

PLANNING REPORT, INCLUDING STATEMENT OF EXCEPTIONAL CIRCUMSTANCES

S177E Application for Substitute
Consent for development at Inch Beach
Campsite, in the townlands of Ardroe
and Inch, Inch Beach, Annascaul, Co.
Kerry.

Prepared for:

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1.0 INTRODUCTION & BACKGROUND

1.1 Preamble

Mark, George, and Zara Hussain (hereafter referred to as ‘the Applicants’) have engaged Tom Phillips + Associates (TPA) to apply to An Coimisiún Pleanála (ACP) for permission for substitute consent under Section 177E of the *Planning and Development Act 2000* (as amended) (the ‘Act’) for development at the Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch Beach, Annascaul, Co. Kerry. The purpose of the S177E application is to regularise any past development that has occurred on site to date.

This Application includes, under separate cover, an Environmental Impact Assessment Screening Report (EIA Screening) which has been prepared by TPA. The EIA Screening has regard to the impact that the historic development had on the receiving environment over the course of its operation, as well as the current and future impacts in the absence of any additional development.

An Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Malone O’ Regan Consulting Engineers are also enclosed. The rNIS concludes that where potentially significant impacts were identified, a range of mitigation and avoidance measures have been suggested to offset them. As a result of this AA and NIS, it has been concluded that no significant effects arising from the development were likely to have occurred or are likely to occur in relation to the Natura 2000 site (i.e. Dingle Peninsula SPA) or indeed any other proximate Natura 2000 site in the wider hinterland (Castlemaine Harbour SPA and Castlemaine Harbour SAC etc.).

1.2 Report Summarises Matters Arising

The purpose of this Planning Report is to present a detailed description of the development at the time the campsite was operating and to examine the relevant planning policy context, having regard to national, regional, and local statutory documents.

This Report is intended to assist with the assessment of the application by providing an accessible and concise summary of the overall proposal, its potential impacts and its planning policy context, while providing an insight into the rationale of the development.

In line with the requirements of S177 of the Act, this Report provides a Statement of Exceptional Circumstances. Refer to Section 4.0 of this Report for further details.

1.3 Application Team

Tom Phillips + Associates (TPA) has prepared this substitute consent application in conjunction with the following multi-disciplinary team members:

- Malone O’ Regan (MOR) Consulting Engineers (Ecology);
- Moriarty Design & Construction;
- Goldcrest Environmental Services; and
- Laurence Dunne Archaeology.

1.4 Rationale for the Submission of this Section 177E Substitution Consent Application

The subject site has been in the ownership of the Applicants since the early 1980's, with the site being used as a camp site for a number of decades. Figure 1.1 below illustrates photographic evidence of the site in use as a campsite in 2009. The Applicants confirm that a camp site has been operation at the site since at least the 1990's (refer to Section 1.5 below).

This S177E Substitute Consent application is being sought in order to regularise historic unauthorised development at the site following enforcement proceedings initiated by Kerry County Council (KCC) in 2019. We highlight that numerous applications have been made since 2019 to regularise the site condition, with 1 no. application having been considered by An Bord Pleanála¹ (ABP) for c.2 years (refer to Section 4.0 for further information), before a decision was issued to refuse permission, in 2024.

No significant development took place at the site until the period between 2019 and 2021, as evidenced by historic aerial imagery and based on discussions with the Applicants. Further assessment of historic aerial imagery of the site confirms that incremental intensification of the site/facilities took place between 2021 and 2023, including the archaeological trenching works undertaken in respect of the previous application (KCC Reg. Ref. 21/438 and ABP Ref. 313162-22).

In this regard, it is confirmed that the development taken place to date has occurred to formalise the existing camp site whilst also prioritising the safety and security of patrons of the facility.

The Applicants have sought to formalise the layout and offerings of the camp site in the last 6-7 years through the installation of, *inter alia*, hardstanding pitches, improved shower and toilet facilities, and electricity services.

1.5 Timeline of Development at the Subject Site

A full timeline of the site, including development, is outlined below.

Refer to the Architectural Pack prepared by Moriarty Design and Construction for further information, including the 'Aerial Views 1' and 'Aerial Views 2' drawings which illustrate the progression of the site through aerial images from 1995 to 2025.

1980's and 1990's

The subject site was acquired by the Applicants' family in the 1991. Up to this time, the subject lands were intermittently utilised for camping by the previous owner (i.e. during the 1980s). Upon acquiring the site, the current owners sought to operate a campsite from the site, providing for patrons on a year-round basis albeit with the seasonable fluctuations expected from a use of this nature. At this time no physical development had taken place (aside from the renovation of an existing toilet block), with the overall subject site comprising greenfield lands catering for campers and campervans.

The use of the site for a camp site continued through the 1990's. The site continued to predominantly comprise greenfield lands, with no hardstanding areas.

¹ An Coimisiún Pleanála (ACP) was previously referred to as An Bord Pleanála (ABP)

2000's

The camp site continued to operate during this period with no changes to the form or layout of the site (as a camp site located on greenfield lands).



Figure 1.1: Image of subject site depicting the site in use as a camp site in September 2009, including signage for the camp site. (Source: Google Earth, 2009 - image extracted 2026).

2010's and 2020's

Between the period of 2012 to 2017, a hardstanding surface was introduced at the entrance of the subject site. This hardstanding area represented a minor quantum of the overall site area and was extended between 2017 and 2019 to provide a pedestrian path to the toilet block at the west portion of the site (refer to Figure 1.2). During this period, the toilet block was demolished and replaced with upgraded shower / toilet block facilities. This block was further upgraded between 2019 and 2023.



Figure 1.2 Aerial Images of the subject site from 2017 (left) and 2019 (right) illustrating the minor hardstanding area at the entrance of the subject site, which was extended slightly in 2019. (Source: Google Earth 2017 and 2019 – image extracted 2026).

This hardstanding area was gradually extended between 2019-2021², with a number of hardstanding pitches also provided to accommodate campervans. Electrical fittings and meter boxes were also provided at each of the pitches, providing an electricity hookup for campervans at each pitch. A campervan toilet cassette emptying/cleaning unit was provided adjacent to the toilet/shower block.

The entrance to the site was upgraded in 2019 with a security barrier being provided. A bin storage area comprising wooden fencing was also provided at the entrance to the site during this period.



Figure 1.3: Aerial Image of the subject site from 2023 including the hardstanding area, hardstanding pitches, and archaeological test trenches at the northern portion of the site. (Source: Google Earth 2023 – image extracted 2026).

Finally, archaeological test trenching was undertaken at the subject site in 2020. An archaeological assessment report (appended to the report – Appendix C refers) was then prepared and submitted to KCC as part of a planning application (KCC Reg. Ref. 21/438 - refer to Section 3 for a detailed breakdown of the site's planning history). These trenches are visible in the northern portion of the subject site (Figure 1.3 above refers). We highlight that the trenches are no longer visible, with the grass having been reinstated since the trenches were excavated in 2020. Notwithstanding this, substitute consent is sought for the works associated with excavating these trenches, as noted in the ABP Inspectors Report (ABP Ref. 313162-22).

² [About Us | Inch Beach House Kerry Accommodation](#)

Current Site Condition

As noted above, the subject lands are currently occupied by an existing camp site, consisting of a number of tent / campervan pitches, internal road layout comprising hardstanding area (including campervan pitches), existing customer toilet block, and grassed areas (Figure 1.4 below refers). The site boundaries comprise a mixture of hedgerow, low stone wall and wooden post fencing, with a bin storage area located within a wooden fencing area located adjacent to the entrance of the site. Refer to Section 4.1 below for full details on the elements of the development site that are the subject of this application, and for which substitute consent is sought. As shown in Figure 1.4, the vast quantum of the archaeological test trenches that were excavated in 2020 have now been re-grassed and are no longer visible.



Figure 1.4: Aerial Image of the subject site showing the current site conditions. (Source: Google Earth 2025 – image extracted 2026).

2.0 SITE LOCATION AND CONTEXT

2.1 Location of the Subject Site

The subject site (Inch Beach Camp Site) is located on lands within the townland of Inch, proximate to the prominent Blue Flag Inch Beach to the south. The subject lands are occupied by an existing camp site, consisting of a number of tent / campervan pitches, internal road layout comprising hardstanding area, existing customer toilet block, and grassed areas (Figure 2.1 below refers). The site boundaries comprise a mixture of hedgerow, low stone wall and wooden post fencing.

The site is accessed via the R561 regional road which provides access to the N86 to the west, which in turn provides access to Dingle (c. 24km west), and to the N70 to the east which provides access to Tralee and Killarney to the east.

Dingle and Killarney in particular are noted as being key tourism hubs both at county and national level. The subject site lies along the Wild Atlantic Way, which is a key tourist attraction for the west coast of Ireland, with almost 20% (c.450km) of the Wild Atlantic Way route being located in County Kerry alone.

The wider area is characterised by lands largely subject to agricultural use, with a number of single dwellings, minor commercial establishments and a limited number of short stay tourist establishments also present (Figure 2.1 refers).

Finally, the subject site is located within the Dingle Peninsula SAC and is proximate to a number of other Natura 2000 sites, including the Castlemaine Harbour SAC and Castlemaine Harbour SPA (refer to enclosed Appropriate Assessment Screening and remedial Natura Impact Statement prepared by MOR for further information).



Figure 3.1: Aerial view of site as outlined in red. (Source: Google Earth, cropped and annotated by TPA (2026)).

3.0 RELEVANT PLANNING HISTORY AT THE SUBJECT SITE

TPA have reviewed both the KCC and ACP online portals to ascertain the content (including decisions) of planning applications which have been previously submitted at the subject site. There have been 4 no. planning applications submitted to KCC in respect of the subject lands. We have set out below a summary of the history of development of the subject site / campsite.

3.1 Planning Applications

Invalid/ Withdrawn Planning Applications

KCC Reg. Ref. 19/1026

Mahmood and George Hussain submitted an application to Kerry County Council for planning permission on the 4th of October 2019 for the following:

“Retain The Renovation and Alteration Works Carried Out to the Existing Building in the Caravan and Camping Site.”

KCC Reg. Ref. 24/60817

Mark, George and Zara Hussain submitted an application to Kerry County Council for planning permission on the 21st of October 2024 for the following:

“Permission for development to construct a two storey camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms and all ancillary works and permission to decommission the existing septic tank and to install a new wastewater treatment system including a campervan cassette wastewater disposal unit and all ancillary works and Retention Permission to retain an extension to the existing toilet/services block which is a wash-up area.”

KCC Reg. Ref. 25/60116

Mark, George and Zara Hussain submitted an application to Kerry County Council for planning permission on the 24th of February 2025 for the following:

“Permission for the following 1) Upgrade and Service Existing Hardstandings for Touring Pitches, 2) To Improve Existing Camping Area for Tents, 3) Extend Existing Toilet Block, 4) Install New Waste Water Treatment System, 5) Install Entrance Barrier, 6) Attach NIS Report for Existing Caravan and Camping Park at Inch, Annascaul, Co. Kerry.”

KCC Reg. Ref. 19/1026 was withdrawn whilst KCC Reg. Ref. 24/60817 and 25/60116 were deemed invalid. These applications will not be thoroughly examined in this regard. However, we highlight that these applications represent efforts by the applicants to regularise development at the subject site (as noted in Section 2.0) or to obtain the appropriate planning consents to provide additional development at the camp site.

Decided Planning Applications

KCC Reg. Ref. 04/4164 (An Bord Pleanála Ref. 212580)

ZAG Developments submitted an application to Kerry County Council for planning permission on 25th November 2004.

The development description, as per the statutory notices, read as follows:

“Construct a Holiday House Development Consisting of Sixteen Houses (Twelve Semi-Detached and Four Detached, install a Common Wastewater Treatment Unit, Control Room and Percolation Area Including All Necessary Filters Etc, Erect New Signage, and Construct and Access Road, Footpaths, Parking Areas Etc including All Necessary Site Works.”

A Notification of Decision to Grant Permission was issued by KCC on the 16th of May 2005, which was subject to a third-party appeal to An Bord Pleanála (ABP). On the 12th of October 2005, ABP issued a decision to refuse the proposal for 1 no. reason, as follows:

“Having regard to the location of the site of the proposed development on an exposed elevated hillside in a scenic rural area, it is considered that the proposed additional holiday homes, when taken in conjunction with the existing development, would result in an overall development which, by reason of its nature, excessive scale and layout, could not be satisfactorily assimilated into its surroundings and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

KCC Reg. Ref. 21/438 (An Bord Pleanála (ABP) Ref. 313162-22)

Mark, George and Zara Hussain submitted an application to Kerry County Council for planning permission on 22nd of April 2021.

The development description, as per the statutory notices, read as follows:

“(A) Retain the Existing Short Term Stay Camping Site Within Revised Site Boundaries (B) Retain The Alteration And Renovation Works To The Existing Toilets And Site As Constructed (C) Planning Permission To Construct An Extension To The Existing Toilets Including Alterations To The Existing Toilets (D) Permission to Construct a Camping Site Reception Building Which Will Contain the Reception , Campsite Shop, Staff Rooms and Associated Rooms. (E) Permission to construct an access road, parking spaces and 8 no. Glamping Pods including alterations to the gate and fence on the local public road at the rear of the site to create a traffic passing area for the public road (F) Permission to construct additional camping spaces on grass area including all necessary landscaping and site works. (G) Permission to Construct a Wastewater Treatment Tank with PuraFlo Modules and Polishing Filter Including Decommissioning the Existing Septic Tank. An NIS Has Been Submitted in Support of This Application.”

Following a request for further information, the application amended the proposed development, excluding a number of elements including the proposed glamping pods and associated roads and parking areas.

A Notification of Split Decision was issued by KCC on the 29th of March 2022. The KCC notification of decision:

- Grant retention permission / permission to:

- (a) retain the existing short term stay camping site within revised site boundaries
 - (b) retain the alteration and renovation works to the existing toilets and site as constructed and Planning Permission to
 - (c) construct an extension to the existing toilets including alterations to the existing toilets
 - (d) construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms (construct wastewater treatment tanks with PuraFlo modules and polishing filter including decommissioning the existing septic tank; and
- Refused permission for extension to the camp site with access to same including all necessary landscaping and site works.

The full notification of decision is appended to this report (Appendix A refers).

The notification of decision as issued by KCC was subject to a third-party appeal to ABP. On the 19th of February 2024, ABP issued a decision to refuse the proposal for the following reason:

“The Board noted the following:

- (a) This refers to an application which includes the seeking of permission to retain an existing short term stay camping site as well as the retention of renovation works to the existing toilets and site as constructed.*
- (b) An extensive area of the subject site lies within the boundaries of the Dingle Peninsula Special Protection Area (Site Code: 004153) and also borders both the Castlemaine Harbour Special Area of Conservation (Site Code: 000343) and the Castlemaine Harbour Special Protection Area (Site Code: 004029).*
- (c) A Natura Impact Statement has been submitted with the application.*

Accordingly, having regard to the provisions of Sections 34(12) and 37(7) of the Planning and Development Act 2000, as amended, and as the development the subject of the current application is for, inter alia, retention of unauthorised development, the Board is precluded from granting permission in this instance, as to do so would frustrate the requirements of both the Habitats and Birds Directives.

In addition, it is not considered appropriate to extract the elements of the proposed development from the associated retention elements in order to issue a grant of permission.

Therefore, the Board decided to refuse permission on appeal.”

We also note the following from Section 7.1.2 of the ABP Inspector’s Report:

“While I would acknowledge the opinion that it appears that the site was used for adhoc camping before the designation of the SPA (2006), the works the subject of this application were carried out within the SPA in 2019. In this regard, I would wholly disagree that with the conclusion that the development being retained predates the Habitats Directive (1992) or that AA would not have been required to be carried out for the development concerned.”

Whilst we highlight that the use of the site as a campsite pre-dates the designation of the relevant Natura 2000 sites, we acknowledge that the development undertaken at the site to provide additional facilities for patrons post-dates the designation of the Natura 2000 sites. In this regard, this substitute consent

application has been prepared for submission to An Coimisiún Pleanála under Section 177E of the *Planning and Development Act 2000* (as amended). A remedial NIS has been prepared by Malone O'Regan (MOR) in respect of the development undertaken at the subject site and for which substitute consent is sought.

3.2 Chronology of Enforcement proceedings

For clarity, a full timeline of enforcement proceedings is outlined below, with regard to unauthorised development at the subject site. This section should be considered in tandem with the planning history section as outlined above, as we highlight that the Applicants have made ongoing attempts to regularise the development undertaken at the site since enforcement proceedings were first initiated in 2019. A record of the warning letters and enforcement notices as issued by KCC are appended to this report for ease of reference (Appendix B refers).

As noted above, an initial warning letter was issued by KCC in May 2019 regarding the demolition of the previous toilet and shower block and the construction of a new toilet and shower block. Following the withdrawal of KCC Reg. Ref. 19/1026, KCC issued a request for clarification on how the development was intended to be regularised (August 2020).

An enforcement notice was issued by KCC in March 2021 relating to the construction of toilet facilities, the construction of a caravan park, and the construction of facilities for a caravan park (we note that the 'construction of a caravan park' and the 'construction of facilities for a caravan park' did not form part of the initial warning letter as issued by KCC in May 2019). Proceedings were halted pending a decision in relation to KCC Reg. Ref. 21/438 and ABP Ref. 313162-22.

Following the ABP decision, an additional letter was issued by KCC (February 2024) requesting proposals to be submitted to regularise the development. A further letter was issued by KCC in May of 2024 which detailed the elements of the caravan park subject to the enforcement proceedings, those being (i) the hardstanding areas at the site (ii) the entrance barrier (iii) the toilet shower block and associated structures to the rear (iv) electrical fittings and meter boxes and (v) wooden fencing. A follow up letter as issued by KCC in May 2024 that the enforcement proceedings had been expanded to include the above elements.

A final letter issued by KCC in July 2024 outlined that legal proceedings under Section 160 of the *Planning and Development Act 2000* would be initiated,

Separately, we note that an enforcement notice was issued by KCC (October 2023) in relation to the placing of a van on lands for the sale of goods. We highlight that this van has since been removed from the site in compliance with the enforcement notice, and therefore retention permission is not sought for this element.

4.0 STATEMENT OF EXCEPTIONAL CIRCUMSTANCES

Section 177K(1A)(a) states the Board (now Commission) shall not grant substitute consent unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Commission. The matters to which the Commission shall have regard are set out under the following subsections and initial considerations are outlined, including where the Commission may offer further guidance.

4.1 **Whether regularisation of the development concerned would circumvent the purpose and objectives of the EIA Directive or the Habitats Directive;**

This question has been fully addressed by the Environmental Impact Screening Assessment Report and remedial NIS accompanying the application. Both documents demonstrate that the historic activities at the site did not result in significant adverse effects to the surrounding environment and did not have a likely significant adverse impact on the qualifying interests of the SAC, nor on the integrity of the Dingle Peninsula SAC or on the conservation objectives of this Natura 2000 site (or indeed any of the wider Natura 2000 sites).

The remedial NIS includes remediation/ mitigation measures undertaken or proposed to be undertaken by the Applicants to remedy or mitigate any potential significant effects on the environment or on the European site (notwithstanding that the remedial NIS identifies that the development did not result in significant adverse effects on the qualifying interests of the proximate Natura 2000 sites).

Refer to the enclosed Appropriate Assessment Screening and remedial Natura Impact Statement and the Environmental Impact Assessment Screening Report for further information

4.2 **Whether the applicant had or could reasonably have had a belief that the development was not unauthorised;**

As noted in Section 1.4 of this Report, we highlight that the camp site has been in operation since the before the 1990's and that there has been an incremental increase in the intensity of the use over time, until the present day. The intensification of the use has reflected the demand for a campsite in this location and the amenities/ facilities required to help it fulfil this purpose. It is our professional opinion that the use of the lands has evolved from an infrequent/ intermittent pitching of tents, that arguably wouldn't give rise to a material change in use in planning terms, to a more formal use of the lands as a campsite, inclusive of the ancillary infrastructure required for operations.

Whilst there was a point in time when the operations at the subject site gave rise to a material change of use, it is reasonable that the Applicants would not have been aware that this threshold had been met. The issue of materiality in respect of whether a change of use has, or has not, occurred requires experienced professional judgement.

As part of this, we highlight that KCC did not initiate any enforcement action until 2019 – c. 30 years since the Applicants' family began camping related activities at the site. The initial enforcement warning letters related to the construction of a new toilet and shower block; it did not challenge the use of the site as a campsite, we assume on the basis that the use itself was long established. In our opinion, it is reasonable that the Applicants were not aware that planning permission was required until the enforcement warning letter was issued in 2019 by KCC.

As soon as the Applicants were alerted to the requirement to obtain planning permission for development at the site (i.e. through the commencement of enforcement action by KCC in 2019), the Applicants took

steps to rectify the situation and attempted to regularise the development through the submission of a number of planning applications (some of which were deemed invalid).

The key planning application for the purpose of current considerations is KCC Reg. Ref. 21/438 (ABP. Ref. 313162-22) which was submitted to KCC in April 2021 to deal with the enforcement issues. It was ultimately decided (refused) by ABP in February 2024, c. 3 years after the planning application had been submitted. On the basis that KCC had recommended that the use of the campsite be granted retention permission, the Applicants continued to operate the business. Before the 2024 ABP decision, the Applicants were unaware (and perhaps mis-advised by their specialist consultants) that the positioning of the subject lands within the Dingle Peninsula SAC would potentially preclude them from regularising the development via the standard Section 34 route, despite receiving the notification of decision to grant permission for the campsite use and associated development from KCC.

In summary, the development works at the subject site represent an incremental intensification over time. It is not our view that the campsite operations would have constituted a material change of use of the lands from the start. It is therefore reasonable to contend that the campsite use became development that required planning permission without the Applicants realising that requirement. In this context, it is therefore very reasonable that the Applicants did not realise that the campsite operations were unauthorised works. The fact that KCC did not begin enforcement proceedings until 2019, in our opinion, supports this position.

Acknowledging that the Applicants were aware of potential unauthorised works at the site from 2019, it is our contention that they have taken reasonable steps to rectify the situation. The fact that KCC recommended a grant of planning permission for the retention of the campsite use and other related development and the overall delay in the final determination of the 2021 submitted planning application, contributed to the Applicants decision to continue with the operation of their business.

4.3 Whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for the public participation in such as assessment has been substantially impaired;

The Applicants have gathered historic aerial photography to contextualise the timeline of activities at the site. The Applicants have also appointed a full environmental design team, who have been appraised of the progression/development of the site over since 2012 and have addressed all relevant matters in terms of ecology and potential environmental effects. These assessments (including survey of the existing septic tank and preparation of Bird Surveys) informed the preparation of the AA Screening, rNIS and EIA Screening Assessment.

It is therefore confirmed that the relevant consultants have been able to carry out a full assessment of the environmental impacts of the development and therefore, this application submission provides the detail required for public participation during the process and for a full environmental assessment of the development by ACP. We therefore confirm that the public participation has not been substantially impaired.

Further relating to public participation, in line with the Act, the Applicants have advertised the application for substitute consent by the required form of public notice and therefore, afforded the public the opportunity to review the information contained within and to provide their commentary in relation to same through the making of submissions to the Commission. Key stakeholders including Kerry County Council will also be consulted as part of the process.

4.4 The actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;

The absence of likely significant effects of the historic activity has been demonstrated comprehensively via the rNIS that accompany the application. An EIA Screening Assessment has also been prepared and is enclosed with this application.

The potential for significant effects during the construction phase was negligible. The remedial NIS which accompanies the application sets out detailed mitigation measures to avoid any such future impacts in the event substitute consent is granted for the completion of the development.

4.5 The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;

The AA Screening and rNIS prepared by MOR concludes:

“Following an examination, analysis and evaluation of the relevant information, including the nature of the potential effects from the Proposed Development and all associated works, it has been objectively concluded that with the implementation of the proposed mitigation measures, the Development did not or will not, either alone or in combination with other plans or projects, adversely affect the integrity or conservation status of any of the qualifying interests of the SPA & SAC & Dingle Peninsula SPA or any other European site in light of best scientific knowledge. This conclusion is reached on the basis of best scientific knowledge and there is no reasonable scientific doubt as to the absence of adverse effects on site integrity.”

Refer to the Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Malone O’ Regan for further information.

4.6 Whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;

As noted in the planning history section (Section 4.0 below) there have been a number of planning applications submitted by the Applicants. In particular, we highlight that 3 No. planning applications have been submitted in respect of the existing Inch Beach Campsite following the warning letter issued by Kerry County Council. These applications were submitted in 2019, 2021, and 2025. It is therefore evident that the Applicants have taken every reasonable step to regularise the site development / condition.

Whilst it is acknowledged that the Applicants submitted a Section 34 Planning Application to regularise the site development (KCC Reg. Ref. 21/438 + ABP Ref. 313162-22), we highlight that Kerry County Council granted this application (split decision) prior to the lodgement of a third-party appeal to ACP.

On the basis that the local authority accepted and determined a planning application for retention and proposed development at the subject site, it is reasonable to assume that the Applicants were of the belief that the planning applications submitted to date was the appropriate procedure to remedy the unauthorised works at the site.

Following the Board Order issued in respect of ABP Ref. 313162-22, the Applicants took steps to complete the relevant bird surveys required to inform the remedial NIS which accompanies this substitute consent application.

We understand that the Applicants have complied with previous planning permissions.

4.7 Summary of Exceptional Circumstances

In summary, the following issues have been highlighted for consideration by An Coimisiún Pleanála in considering the matter of exceptional circumstances:

- The camp site has been operational since the 1990's. Notwithstanding this, the Applicants are now seeking to regularise use of the land as a camp site, as well additional development undertaken to provide facilities for patrons of the site.
- The Appropriate Assessment and rNIS prepared by MOR demonstrates that development undertaken did not result in adverse effects to the surrounding environment and did not have a likely significant adverse impact on the qualifying interests of the proximate Natura 2000 sites, nor the integrity of these sites; and
- The development does not circumvent the purpose and objectives of the Habitats Directive, nor has public participation been substantially impaired. Relevant environmental assessments have been prepared and are enclosed with this application, and the application has been advertised in the appropriate public notices, as above.

Given that mitigation measures were employed during the development of the various elements which are now sought to be regularised, the potential for environmental impact was limited and the ability to carry out the required AA was not substantially impaired.

5.0 THE DEVELOPMENT FOR SUBSTITUTE CONSENT (AS PER STATUTORY NOTICES)

As per the Statutory Notices, the development is described as follows:

“Mark, George & Zara Hussain intend to apply for substitute consent for development at this site at the Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch Beach, Annascaul, Co. Kerry.

The development consisted of:

- *The use of the land as a short term stay camping site, including all existing ancillary elements comprising (i) electrical infrastructure including electrical fittings and meter boxes, (ii) wooden fencing and entrance barrier, (iii) campervan toilet cassette emptying/cleaning unit, and (iv) all hard and soft landscaping, including the existing hardstanding areas comprising campervan / tent pitches and internal gravel roadway;*
- *The demolition of the previous toilet and shower block and the construction and alteration of the existing toilets and shower facilities, and associated structures to the rear;* and
- *Trenching works, and associated landscape alterations, undertaken as part of the Archaeological Assessment prepared in respect of KCC Reg. Ref. 21438 (An Coimisiún Pleanála Ref. 21438).*

The application is accompanied by a remedial Natura Impact Statement (rNIS).”

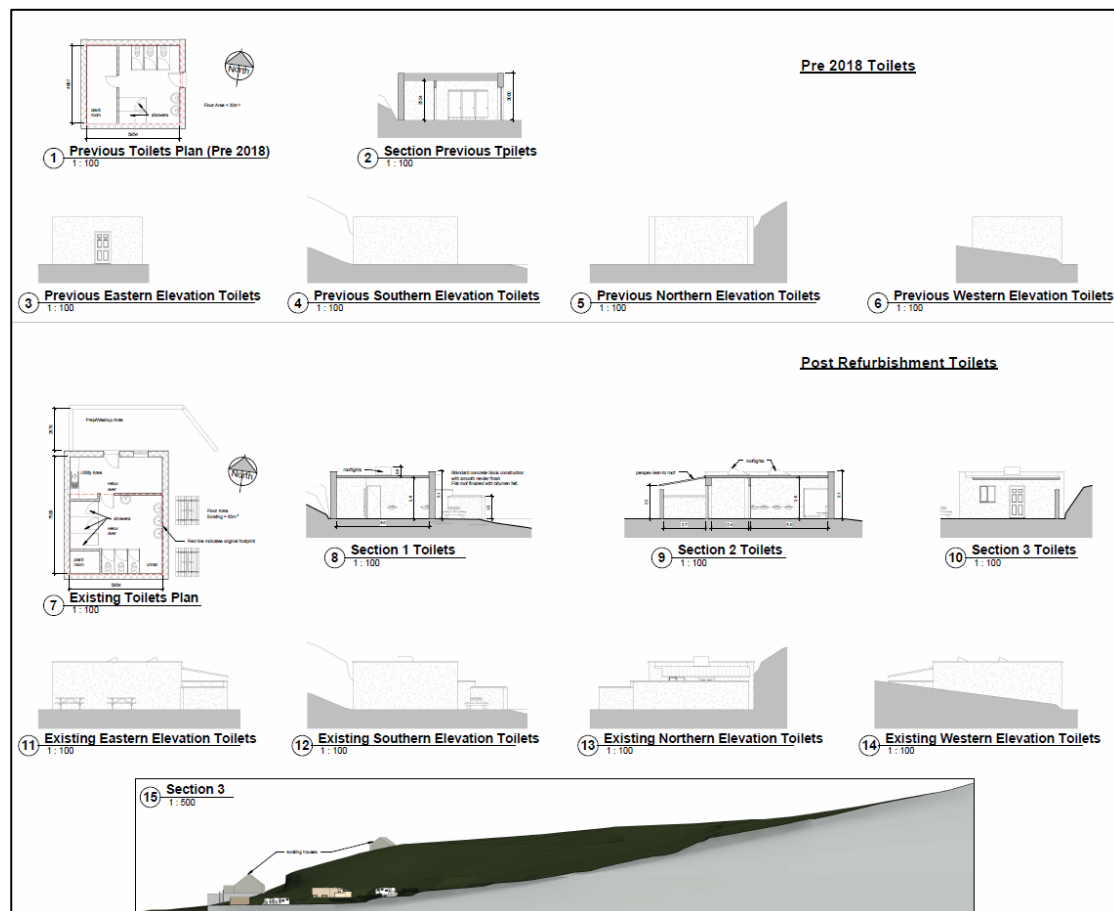


Figure 5.1: Extract of Plans, Sections and Elevations of existing toilet and shower block (Prepared by Moriarty Design and Construction).

6.0 APPROPRIATE ASSESSMENT AND REMEDIAL NATURA IMPACT ASSESSMENT (INCLUDING BIRD SURVEYS)

This planning application is supported by a Stage 2 Appropriate Assessment, undertaken by Malone O' Regan Consulting Engineers. The Screening Report presents the results of the Stage 1 Screening which is part of the appropriate assessment process to identify whether significant impacts on a Natura 2000 site are likely to have arisen from the development at Inch Beach, Co. Kerry.

The Stage 1 Assessment assessed the proposed development taking into account of the following:

- The nature, size, and location of the development and possible impacts arising.
- The Qualifying Interests (QIs) and conservation objectives of the European Sites.
- The potential for in-combination effects arising from other plans and projects.

Upon examination of the relevant information including in particular the nature of the development and the likelihood of significant effects on European Sites, the possibility could not be excluded that the development would have had a likely significant effect on the Dingle Peninsula SPA, the Castlemaine Harbour SPA and SAC, nor any other Natura 2000 sites within the Zone of Influence.

Therefore, a remedial NIS was required to ascertain whether the works would have had an adverse effect on the integrity of the Natura 2000 sites.

Best practice measures and mitigation measures were implemented at the site in line with standard environmental controls and were effective in ensuring that the risk of any significant residual effects to the Dingle Peninsula SAC (and the wider Natura 2000 network) was minimised such that there was no residual risk of adverse effects on the relevant Qualifying Interests of the proximate Natura 2000 sites within the Zone of Influence.

This rNIS is intended to provide the competent authority with complete, precise and definitive findings and conclusions capable of removing reasonable scientific doubt as to the effects of the project on the integrity of the European sites within the Zone of Influence in view of their Conservation Objectives. It is objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to the Natura 2000 site (i.e. Dingle Peninsula SPA) or indeed any other Natura 2000 site in the wider hinterland.

7.0 ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

In order to ensure that all potential impacts associated with the development of the campsite are identified and addressed, an Environmental Impact Assessment Screening Report (EIA Screening Report) has been prepared by Tom Phillips + Associates and has been submitted with this application.

This EIA Screening has been undertaken having regard to the *Planning and Development Regulations 2001 (as amended)* ("the Regulations"). The Screening Report confirms that the project does not exceed a threshold specified in Part 1 of Schedule 5 of the Regulations, which requires the mandatory preparation of an EIA.

In this regard, the project is considered to constitute sub-threshold development, i.e. is of a class specified in Part 2 of Schedule 5 of the Regulations, but does not equal or exceed the relevant quantity, area or other limit specified in that Class. The enclosed EIA Screening Report has been undertaken in accordance with Schedule 7A of the Regulations.

Having regard to Schedule 5, Part 2, 2(b) of the *Planning and Development Regulations, 2001 (as amended)*, an Environmental Impact Assessment (now referred to as an EIAR further to Directive 2014/52/EU due to be transposed into Irish Law and the Circular Letter PI 1/2017 issued by the Department of Housing, Planning, Community and Local Government on the implementation of Directive 2014/52/EU) is a mandatory requirement for the "*Permanent camp sites and caravan sites where the number of pitches would be greater than 100.*"

The campsite consists of 29 No. pitches, as annotated in the enclosed 'Existing Site Layout' prepared by Moriarty Design and Construction. We therefore confirm that the development is significantly below the above-stated mandatory threshold.

Refer to the enclosed Screening Report for full details.

8.0 PLANNING POLICY CONTEXT AND PLANNING ASSESSMENT

This section sets out the relevant planning policy context at regional and local level. These policies are summarised below and demonstrate that the development aligns with the sustainable development and proper planning of the area.

8.1 Regional Policy Context

8.1.1 Regional Spatial and Economic Strategy 2020 - 2032 – Southern Regional Assembly

The Region covers nine counties and is administered by 10 local authorities. It is also divided into three sub-regional areas, called Strategic Planning Areas (SPAs) including the southwest area which is inclusive of Co. Kerry.

The RSES iterates the importance of tourism for the creation of cross-sectoral benefits, including for agriculture, retail, food and drink etc, which supports job creation through *'targeted rural tourism initiatives, develop activity tourism and leverage natural and built heritage assets'*. Moreover, the RSES acknowledges that the Southern Region has a significant share of the premier tourist resources in Ireland, including natural and man-made resources.

In particular, the Wild Atlantic Way is consistently noted as one of the premier international resources, with around 20% of the total length of the route being located within County Kerry.

The RSES outlines a number of Regional Policy Objectives related to tourism and short-term accommodation, including:

RPO 53(a) *Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure inter alia.*

The RSES seeks to ensure continued support for the tourism sector through the enhancement of, *inter alia*, accommodation offerings which are well placed to cater for visitors at locations which are proximate to premier tourist attractions such as the Wild Atlantic Way. The RSES therefore provides support to the continued operation of the Inch campsite on the basis that it provides the facilities required to ensure the ongoing economic vitality of tourism locations within the County.

8.2 Local Policy Context

We have reviewed the tourism related policies contained within both the *Kerry County Development Plan 2015-2021* (the development plan in force during the intensification of development at the subject site) and *Kerry County Development Plan 2022-2028* (the current local policy framework for the site).

We have identified a strong policy framework during both development plan periods which supports the campsite use and associated facilities at locations such as the subject site.

8.2.1 Kerry County Development Plan, 2015 – 2021

The Kerry County Development Plan 2015 – 2021 came into effect on 16th March 2015. In relation to the tourism industry in Kerry, the Plan states that:

“County Kerry is well positioned to become a significant destination for the growing market for culture, heritage and arts based activity holidays through the appropriate development of its indigenous built, cultural and natural assets.”

The relevant tourism related policies are set out below:

It is an objective of the Council to:

- T2:** *Maximise the potential of tourism as a ‘pillar of economic growth’ which will contribute to the balanced economic development of the County and the tourism industry in the South West Region.*
- T43:** *Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g. sand dune systems), by requiring, appropriate siting, layout, design, and native locally provenanced natural screening, the protection of biodiversity and compliance with the requirements of the Habitats Directive.*

Section 13.11 of the 2015-2021 Development Plan (Camping/Glamping and Caravan Parks) further outlines the following:

“The provision of tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority.

Proposals will also be assessed with regard to the following matters:

- *Caravan parks will not generally be permitted in proximity to the coastline.*
- *Location of the development relative to existing services including retail and social facilities.*
- *Availability of services to cater for the development.*
- *Impact on existing residential amenities - overlooking, increased traffic and general disturbance will be taken into account.*
- *Capacity of road to cater for the development - direct access onto national primary or national secondary roads will not be permitted.*
- *Landscaping - every application for a caravan park will be accompanied by a comprehensive landscaping plan both proposed and existing which in addition to creating an attractive residential environment effectively screens the development.*
- *An appropriate assessment under Article 6 of the Habitats Directive, where applicable, shall be carried out in consultation with the National Parks and Wildlife Service.*
- *Where a proposal relates to the extension of an existing caravan park, a master plan demonstrating how the proposal relates to, and integrates with, the existing park. Where the existing and proposed caravan park will share amenities the application will also be required to show the sufficient provision of amenities required to serve the enlarged population.”*

Having regard to the above policy basis, it is our opinion that there was sufficient policy support for the subject development within the 2015-2021 Development Plan to form the basis of a grant of planning

permission, should a planning application have been submitted at the appropriate point, for the following reasons:

- The 2015-2021 Development Plan further outlines support for the tourism sector, which is identified as a ‘pillar of economic growth’.
- The subject site, whilst being located proximate to Inch Beach and the associated sand dunes, is located at an appropriate distance from the coastline which ensures that there are no adverse effects on the dune system.
- The campsite is located within a reachable distance of existing services in Annascaul which is c.7km from the site. It is our view that visitor accommodation within the area contributes to the vitality of such villages.
- The development is accessed from the R561 regional road; given that the campsite provides for 29 no. pitches only, it is not our opinion that the development gives rise to adverse traffic related impacts.
- An AA Screening and remedial NIS have been prepared by MOR which concludes that the development did not result in significant adverse effects on the qualifying interests of the proximate Natura 2000 sites.
- Given the distance of the cap pitches from the most proximate residential receptors, there is considered to be a negligible impact on existing residential receptors. Existing residences to the west are well screened by existing vegetation and the topography of the area.
- The position of the site proximate to Inch Beach is considered to be a strategic location being adjacent to a premier tourist destination and which draws significant number of visitors each year.
- The existing camp site diversifies the short-term accommodation offering, as there is an under provision of similar short-term accommodation options in the vicinity, with the vast majority of proximate tourist accommodation comprising Holiday Village, BnB or AirBnB type offerings.

Having regard to the above points, we conclude that if assessed against the 2015-2021 Development Plan, the development aligns with the proper planning and sustainable development of the area.

8.2.2 Kerry County Development Plan, 2022 – 2028

The *Kerry County Development Plan 2022-2028* was adopted on 4th July 2022 and came into effect on 15th August 2022. It incorporates the *Planning and Development (Kerry County Development Plan 2022-2028) Direction 2022*, dated 5th December 2022.

The Development Plan, in parallel with County Kerry’s Economic Covid 19 Economic Recovery Plan 2021, the Kerry Local Economic and Community Plan 2025-2030, and the County Kerry Tourism Strategy and Action Plan 2016-2022:

“strives to retain, promote, and drive Kerry’s position as a premier international tourism destination, with a focus on developing green and sustainable tourism. The policies outlined in the Development Plan are supportive of aligning the growth of the tourism industry...”

Section 10.3.1 of the Development Plan outlines the value of the Wild Atlantic Way and refers to the numerous 'Discovery Points' located along the route, noting that these points:

"...are intended to provide visitors with a viewing opportunity as they travel along the route, and also as a device to entice visitors to the more remote and peripheral areas of the coast, thus potentially increasing overnight stays. Kerry County Council are committed in conjunction with Fáilte Ireland to sustainably improve facilities along the WAW route subject to appropriate environmental assessments."

The following objectives relating to the tourism industry and visitor accommodation are contained within the current Development Plan.

It is an objective of the Council to:

- KCDP 4-67:** *Encourage and facilitate the delivery of sustainable tourism-related retail developments and initiatives, of appropriate scales, located in the vicinity of tourism attractions and amenities.*
- KCDP 10-8:** *Support the implementation of the County Kerry Tourism Strategy and Action Plan (2016-2022) including the upgrading and repurposing of existing attractions, the sustainable development of the tourism projects and the preparation and adoption of successor strategies.*
- KCDP 10-13:** *Facilitate the sustainable development of the Wild Atlantic Way touring route by:*
- *Facilitating the sustainable development of viewing points and other facilities at appropriate locations along the Wild Atlantic Way,*
 - *Facilitating road improvement works, the provision of lay-bys/passing spaces and parking spaces at appropriate locations.*
 - *Addressing traffic and visitor management issues, with specific focus on integration of public transport timetabling to facilitate improved visitor dispersal, having regard to environmental sensitivities and designations in the area.*
- KCDP 10-31:** *Support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements, established tourism assets or adjacent to a main farmyard complex on suitable sites and at an appropriate scale subject to normal planning considerations.*
- KCDP 10-32:** *Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems).*

Section 10.3.5.1 (Camping/Glamping, Campervans and Caravans) of the Development Plan further notes:

"Kerry County Council recognises that the provision of suitable sites for camping/glamping, campervans and caravans is an important element in the range of tourist accommodation offers...While the Council considers that camping sites should be located on appropriately

zoned land within established/ or adjacent to existing settlements, proportionate camping sites may be appropriate to complement tourism assets in rural and coastal locations within or adjacent to existing settlements. The planning authority may facilitate proposals for camping sites which support rural tourism initiatives subject to proper planning and sustainable development.”

Having regard to the current policy basis, it is our opinion that the development aligns with the policies and objectives of the Development Plan, and is in accordance with the sustainable development and proper planning of the area. The reasons are set out below:

- Inch Beach is noted as a key tourist asset and natural heritage asset, being a blue flag beach located on the Wild Atlantic Way. The location of the Inch Beach Camp Site, proximate to the beach, provides an alternative form of short stay accommodation for users of the beach or those travelling along the Wild Atlantic Way.
- Moreover, we highlight that the Inch Beach Camp Site is the only campsite on the Wild Atlantic Way between Dingle and Glenbeigh, thus there is a significant shortfall of such accommodation on the southern portion of the Dingle Peninsula (excluding Dingle itself) and the northern portion of the Iveragh Peninsula (excluding Glenbeigh). In this regard, the location of the Inch Beach Camp Site supports the sustainable development of the Wild Atlantic Way through providing short stay accommodation adjacent to Inch Beach.
- It is our opinion that a negligible visual impact arises from the development, owed to the low scale nature of the built form (toilet/shower block) and camping infrastructure. The structures/ infrastructure at the site result in insignificant impact upon views towards the subject site. We include a number of views taken from Google Streetview below.



Figure 8.1: View of the subject site from the R561 to the east (Source: Google Maps Streetview 2023, cropped by TPA, 2026).



Figure 8.2: View of the subject site from the R561 to the east (Source: Google Maps Streetview 2023, cropped by TPA, 2026).



Figure 8.3: View of the subject site from the R561 directly to the southwest (Source: Google Maps Streetview 2023, cropped by TPA, 2026).

- As part of this, we highlight that the use of the campsite will fluctuate on a seasonal basis, with a significant portion of the year that little to no campervans/ tents are placed on the site. The potential for perceived visual impacts during these times therefore decreases.
- During the summer months and the peak tourist season, it is acknowledged that the quantum of patrons at the site will inevitably increase, however, it is noteworthy that this increase would not be a site-specific phenomenon and would be indicative of the influx of tourism in the wider area

arising from tourism high season. Variation 3 to the KCC Development Plan notes that tourism and passing trade *'is very seasonal and only for a few short weeks'*.

- In our opinion, the influx of visitors to the wider area during the peak tourist season allows for the visual impact to be absorbed by the altered nature of the wider environs.
- Importantly, we highlight that objective KCDP 10-31 seeks to support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements and established tourism assets. As above, we highlight that the camp site is adjacent to Inch Beach, a strategically important tourism destination for Kerry.
- Lastly, we highlight that the campsite is located within the development boundary of Inch village. It is therefore considered that the campsite is strategically located and wholly appropriate – refer to following section for further information on the specific Inch village policies and clarification on the extent of the settlement boundary.
- We highlight that car parking has been a significant issue at the beach for a number of years (as shown in Figure 8.4 below), with Variation No.3 to the Development Plan seeking to facilitate a car parking location adjacent to the beach. Notwithstanding that the subject site is located within the Dingle Peninsula SPA, the continued operation of the campsite has the potential to play a key role in alleviating the beach car parking issue, providing a formal arrangement for the parking up of vehicles for camping purposes. The enclosed environmental assessments demonstrate that the subject site can support the parking up of vehicles without giving rise to adverse impacts on the environment. It is considered that there is a greater potential for significant environmental effects from the informal camping/ parking at Inch Beach when compared to the well-regulated development at Inch campsite.



Figure 8.4: Aerial Image of Inch Beach to the south of the subject site, with the subject camp site visible to the north. A vast quantum of ad hoc car parking on Inch Beach is clearly visible. (Source: Google Earth 2025, extracted 2026).

Kerry County Council Development Plan 2022-2028 - Variation No. 3

Variation 3 of the *Kerry County Development Plan 2022-2028* was adopted on the 15th of June 2026 following a full Council meeting. For clarity, whilst the variation has been adopted (as confirmed via phone call to KCC on 9th July 2026) we note that the variation has not yet been incorporated into the main Development Plan documentation.

The purpose of the variation is:

“to incorporate into the development plan a Castleisland-Corca Dhuibhne Municipal District Settlements’ Plan, which will replace the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 and elements of the Killarney Municipal District Local Area Plan 2018-2024 (settlements of Castleisland, Farranfore, Fieries, Gneeveguilla, Scartaglin, Cordal, Currow and Currans) and the Tralee Municipal District Local Area Plan 2018-2024 (settlements of Brosna and Knocknagoshel).”

Inch is noted as being located within the Castleisland-Corca Dhuibhne Municipal District and is classified as a small village settlement. We note that the entirety of the campsite (including archaeological test trench locations) is included within the Inch village settlement boundary (Figure 8.5 refers).

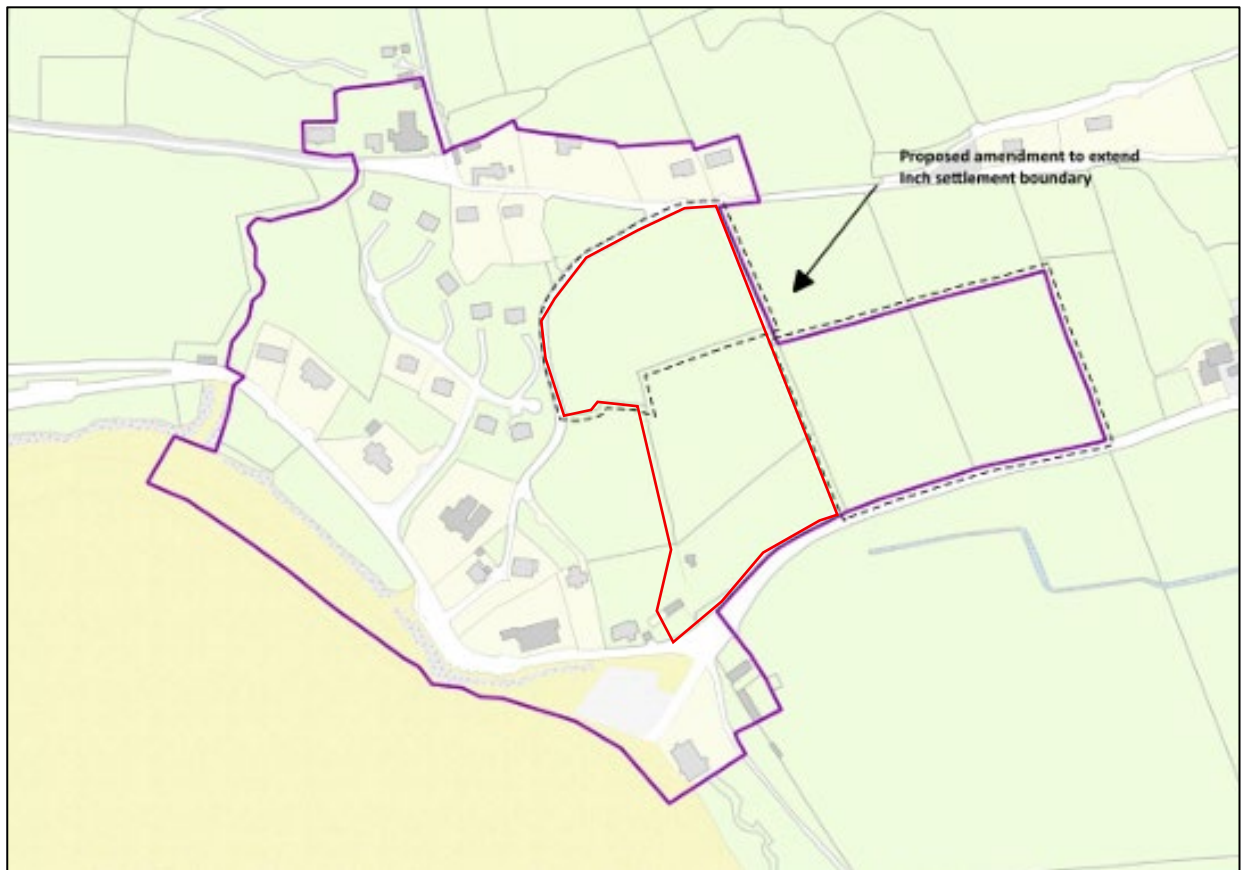


Figure 8.5: Extract of Settlement Boundary Plan for Inch Village, illustrating that the entirety of the subject site (outlined in red) is located within the settlement boundary for Inch (Source: Variation No. 3 of the Kerry County Development Plan 2022-2028, annotated by TPA, 2026).

In relation to small village settlements, Section 2.18.6 of Variation 3 of the Development Plan further notes:

“Some of these villages are heavily reliant on tourism and passing visitor trade. In most instances this is very seasonal and only for a few short weeks, therefore it is essential to promote the sustainable development of ecotourism and other niche tourism markets to sustain and develop these settlements. It is an objective of this Plan to promote and develop niche tourism markets. Niche tourism refers to how a specific tourism product can be tailored to meet the needs of an audience/market segment and extend the tourism season...”

Similarly, the assets of the cultural and built heritage of the area are very important for attracting tourists. By promoting the natural, built and cultural heritage of the area, local communities can benefit from increased tourism in the area. Encouraging the retention of original traditional shops and streetscapes is important to promote the uniqueness and heritage of these villages.”

The following objectives are also extracted from Variation 3 to the Development Plan:

KCDP SV-7 *Facilitate and support the provision of parking at Inch, in appropriate locations and outside of sand dune habitats, in the interests of traffic management, dune habitat protection, sustainable recreational activities and amenity uses in the area.*

- KCDP SV-10** *Facilitate the sustainable provision of appropriate community/social infrastructure such as public toilets and car parking at Inch, having regard to the Inch Beach Infrastructure Development Plan, the requirements of the Habitats Directive and to environmental sensitivities in the area.*

The above objectives relate specifically to the enhancement of facilities at Inch Beach. The beach is recognised as a high-quality tourist attraction with Variation No. 3 reflective of demand at this location for tourist facilities including parking and other services. The campsite will provide additional services at this location and continue to support the village/beach as a premier tourist destination for natural heritage assets, thus supporting the wider community. The campsite also has the potential to alleviate parking on Inch Beach through providing formal short-term accommodation for tourists, who may otherwise utilise the beach itself for camping (and therefore parking).

As set out in Section 2.18.6 of Variation No. 3, there are a number of small village settlements (such as Inch) that are heavily reliant on tourism, particularly where they are proximate to natural heritage assets. In our opinion, the campsite and Inch Beach are a key example of a symbiotic relationship whereby the beach is a premier tourism asset which attracts visitors to the area, thus providing an economic benefit for the campsite and the wider community, whilst the campsite provides a formal short term accommodation offering and discourages visitors from utilising the beach for camping and parking which could otherwise cause a significant effect on the beach, as well as the wider Natura 2000 network.

The provision of a camp site at Inch aids in:

- Diversifying the short-term accommodation offering at Inch, encouraging a wider range of tourists to visit the area, thus bolstering the local economy whilst simultaneously supporting the tourist function of the village and the beach;
- Alleviating camping/ parking on Inch Beach which may otherwise have the potential for impacts on proximate Natura 2000 sites.

In summary, Variation No.3 enhances the Development Plan's support for a campsite at Inch Beach on the basis that it provides increased accessibility, from a tourism perspective, to one of Kerry's premier natural heritage tourism assets. The supporting AA Screening and rNIS demonstrates that the campsite can operate in this key tourist destination without giving rise to adverse effects on the identified sensitive ecological receptors and wider environment. We therefore contend that when assessed against the provisions of Variation No. 3, the development strongly aligns with the sustainable development and proper planning of the area.

8.3 Summary of Planning Assessment

Principle of Development

- The importance of the tourism industry to the economy is recognised and supported at all tiers of planning policy, subject to necessary environmental protections being put in place.
- The development (i.e. tourist accommodation facilities/ services) is supported by numerous policies contained within the previous and current Development Plan.

- The current Development Plan recognises the importance of tourism from an economic growth perspective for small village settlements. This is reinforced through Variation No. 3 to the Development Plan.
- County Kerry has a proportionately higher rate of employment within the tourism industry when compared to other counties (18%). We therefore recognise the great importance of supporting and developing the tourism industry in Kerry, particularly in terms of supporting employment and the local economies of villages settlements.
- The Core Strategy of the current Development Plan seeks the following (in relation to tourism development):

“To develop Kerry as the leading tourism destination through continued sustainable expansion of the tourism sector, with a focus on creating high-quality visitor services and the continued development and enhancement of visitor attractions and activities, capitalising on our natural and cultural heritage assets, whilst safeguarding these resources for future generations.”

- Given the strategic location of the camp site, adjacent to Inch Beach, which is a blue flag beach along the Wild Atlantic Way, the development is considered to align with the above policy objective. This application submission demonstrates that the development can support tourism within the area through the provision of short-term accommodation without giving rise to adverse impact upon the environment.
- The development is considered to be fully compliant with the relevant local planning policy framework and therefore positively contributes to the planning and sustainable development of the area.

Environmental Assessments

The proposed development has been assessed in terms of its potential to have impacts on the surrounding environment. The application is accompanied by a rEIAR Screening prepared by Tom Phillips + Associates.

Notwithstanding the above, there are no anticipated significant effects to the local environment arising from the current condition of the lands.

An Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Malone O’ Regan are also enclosed.

The AA Screening found that it could not be excluded, on the basis of objective scientific information that the proposed works, individually or in combination with other plans or projects, would have a significant effect on the Dingle Peninsula SAC (or the wider Natura 2000 network) in the absence of adequate environmental mitigation. Therefore, a remedial NIS was required to ascertain whether the proposed works would have had an adverse effect on the integrity of the Natura 2000 sites.

Best practice measures and mitigation measures were implemented at the site in line with standard environmental controls and were effective in ensuring that the risk of any significant residual effects on the Dingle Peninsula SAC and the wider Natura 2000 network was minimised such that there was no residual risk of adverse effects on the relevant Qualifying Interests of that Natura 2000 site. The AA Screening and rNIS prepared by MOR concludes:

“it can be concluded that the operational phase of the development will not have any adverse effects on surface or ground water quality and subsequently will not cause any adverse effects to qualifying species or habitats of any European sites. In addition, there will be no adverse effects on the integrity of any European sites in relation to their conservation objectives... given the fact that the aforementioned projects will not result in any adverse effects to European sites, it can be concluded that the Development did not result in any in-combination contribution to adverse effects on the integrity of any European Sites.”

Refer to the Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Malone O’ Regan for further information.

9.0 DOCUMENTS SUBMITTED AS PART OF THIS PLANNING APPLICATION

The following supporting documents will be submitted in person to An Coimisiún Pleanála as part of the S177E Substitute Consent Planning Pack. These documents are stated below:

9.1 Form No. 7

6 no. copies of a duly completed 'Form No. 7', signed and dated 15th July 2026.

We note that this form refers to 'An Bord Pleanála', as opposed to 'An Coimisiún Pleanála'. The submission of this version of the form was agreed with An Coimisiún Pleanála via email on 11th June 2026.

9.2 Public Notices

- 6 no. copies of the original page (and 1 no. original page) from the *Irish Daily Star*, dated 15th July 2026, in which notice of the application has been published.
- 6 no. copies of the *Site Notice* dated 15th July 2026, as erected at the subject site.

9.3 Planning Report

6 no. copies of this *Planning Report* prepared by Tom Phillips + Associates, dated 15th July 2026.

9.4 AA Screening/rNIS

6 no. copies of the joint *Appropriate Assessment Screening (AA)* and *Remedial Natura Impact Statement (rNIS)* dated 15th July 2026 and prepared by Malone O' Regan Consulting Engineers.

9.5 Environmental Impact Assessment Screening Report

6 no. copies of this *Environmental Impact Assessment Screening Report* prepared by Tom Phillips + Associates, dated 15th July 2026.

9.6 Planning Drawings

6 no. copies of the following drawings prepared by Moriarty Design and Construction have been enclosed:

Drawing No.	Title	Scale	Rev.
A098	Site Location Map	1:2,500@A3	-
A100	Existing Site Layout	1:500@A1	-
A099	Previous Site Layout	1:500@A1	-
A101	Plans, Elevations & Sections	As indicated @A1	-
A102	Aerial Views 1	1:1000@A1	-
A103	Aerial Views 2	1:1000@A1	-

9.7 Planning Fee

A cheque for the sum of €5,040 is enclosed covering the cost of the planning application fee. We calculated the planning application fee as follows:

- i. Class 7: The use of the land for (a) **The keeping or placing of any tents, campervans, caravans, or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods**, (b) The parking of motor vehicles, (c) The open storage of motor vehicles or other objects or substances. €240.00, or €150.00 for each 0.1 hectare of site area, whichever is the greater.
- ii. Class 13: Development not coming within any of the foregoing classes. €240.00, €30.00 for each 0.1 hectare of site area, whichever is greater.

Class of Development	Calculation	Proposed Development	Amount of Fees
Class 7	2.8 ha * €150 per 0.1ha of site area = €4,200	Site Area = 2.8 ha	€4,200
Class 13	€30 per 0.1 hectare (2.8 ha) = €840	Site Area = 2.8 ha	€840
Total Fee Payable:			€5,040
Source: Tom Phillips + Associates; based on Schedule 9 of the <i>Planning and Development Regulations, 2001 (as amended)</i> .			

9.8 Soft Copy

A soft copy (USB) of the full application has been enclosed as part of the Planning Application pack.

10.0 CONCLUSION

This Planning Report and the associated supporting materials provide a comprehensive outline of the historic development at the Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch Beach, Annascaul, Co. Kerry. Whilst the Inch Beach Campsite has been operational for a number of decades, the Applicants are now seeking to regularise development undertaken at the subject site, including the use of the lands as a campervan / camp site.

The proposed development has regard to the:

- Provisions of the current Development Plan for the area in relation to the tourism industry and short stay accommodation (campervan / camping accommodation);
- Contribution to the local economy and the associated potential for employment generation (site specific and in the wider community); and
- Assessment of impacts and proposed mitigation in the enclosed Environmental Impact Assessment Screening Report and remedial Natura Impact Statement, which predict that there are no significant adverse impacts on the environment or protected Natura 2000 sites as a result of the development.

It is considered that the development did not injure the amenities of the area and did not impact negatively on the existing landscape or visual amenity of the area. The provision of, *inter alia*, campervan and camping accommodation is widely encouraged in local planning policy where development is located within the boundaries of existing small villages and where the operations support the economy of these villages whilst also supporting tourism through providing diversification of existing facilities adjacent to existing natural heritage assets (subject to the completion of relevant environmental assessments).

We trust that you will find this planning application in order, and we look forward to receipt of an acknowledgement at your earliest convenience.

Please revert back to us should you require further clarification in relation to any aspect of this application.

Yours faithfully,

Lizzie Donnelly
Associate Director
Tom Phillips + Associates



Appendix A – Kerry County Council Notification of Decision in respect of KCC Reg. Ref. 21/438



PLANNING AND DEVELOPMENT ACTS 2000 - 2020
NOTIFICATION OF DECISION TO GRANT RETENTION PERMISSION\PERMISSION /REFUSE
PERMISSION
(SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE ACT
KERRY COUNTY COUNCIL

Ref No. in
Planning Register: 21/438

<u>Agent:</u> Sean Moriarty, An Nead, Ardrinane, Annascaul, Tralee, Co. Kerry V92 E272	<u>Applicant:</u> Mark, George & Zara Hussain, Inch, Annascaul, Co. Kerry
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Documents Recd.: 22/04/2021, 07/10/2021, 14/12/2021 & 06/01/2022

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated **2nd March, 2022** decided

To **GRANT Retention Permission\Permission** for the development of land namely:-

for Retention Permission to (a) retain the existing short term stay camping site within revised site boundaries (b) retain the alteration and renovation works to the existing toilets and site as constructed and Planning Permission to (c) construct an extension to the existing toilets including alterations to the existing toilets (d) construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms (Q) construct wastewater treatment tanks with PuraFlo modules and polishing filter including decommissioning the existing septic tank. An NIS has been submitted in support of this application at Inch, Annascaul, Co. Kerry as outlined in plans and particulars received on 22/04/2021 and further information received on 07/10/2021, 14/12/2021 & 06/01/2022

for the reason set out in the Schedule 1(b) and subject to the conditions set out in Schedule 2(a) and Schedule 2(6) hereto: **(Nineteen Conditions)**

REFUSE Permission for the development of land namely:-

to refuse Permission to (e) extend the camp site with access to same including all necessary landscaping and site works at Inch, Annascaul, Co. Kerry as outlined in plans and particulars received on 22/04/2021 and further information received on 07/10/2021, 14/12/2021 & 06/01/2022

for the reason set out in Schedule 1(a) hereto **(One Reason)**

If there is no appeal against the said decision, a grant of Retention Permission\Permission in accordance with the decision will be issued as soon as possible after the expiration of the period of four weeks (see footnote).

It should be noted that until a **Grant of Retention Permission\Permission** has been issued the development in question is **NOT AUTHORISED**.

SCHEDULE CONTINUED OVERLEAF

NOTE: An Appeal against a decision of a Planning Authority under Section 34 or Section 35 of the Act of 2000 may be made to An Bord Pleanála within *four weeks* beginning on the date of the making of the decision by the Planning Authority. *An Appeal to An Bord Pleanála will be invalid unless it is accompanied by the appropriate fee. (Please refer to the attached guide for fees payable to An Bord Pleanála).* Appeals should be addressed to: *An Bord Pleanála, 64 Marlborough Street, Dublin 1.* An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or structure proposed to be retained and the date of the decision of the Planning Authority should be stated. The acknowledgement of receipt of a valid submission/objection as issued by the Planning Authority should also be submitted with the appeal.

SCHEDULE (Continued)

E.E. Dingle

SIGNED ON BEHALF OF
THE SAID COUNCIL:

A.O. Planning
DATE: **2nd March, 2022**

SCHEDULE (1a)

Refusal of Permission to (e) extend the camp site with access to same including all necessary landscaping and site works

1. The proposed extension to the campsite with access to same at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective ZL-1 of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

SCHEDULE (1b)

Having regard to the nature, extent and location of the proposed development, and to any submissions received in relation to the application, it is considered that, subject to compliance with the conditions set out in the Second schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

SCHEDULE 2 (a)

Retention Permission to (a) retain the existing short term stay camping site within revised site boundaries (b) retain the alteration and renovation works to the existing toilets and site as constructed

2. The existing camp site and toilet block on site shall be retained as constructed within revised site boundaries in accordance with the plans and particulars received by the Planning Authority on 22/04/2021 and revised on 07/10/2021, 14/12/2021 & 06/01/2022 except for any alterations or modifications specified in this decision.

Reason: To regulate and control the layout of the development.

3. Within 3 months of receipt of this decision, the developer shall pay a contribution of **€9375.00** to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development.

This contribution is broken down as follows:

Roads & Transport	-	€3750.00
Community & Amenity	-	€5625.00

SCHEDULE (Continued)

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1st 2023 and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

4. The wastewater treatment system on site shall be upgraded in accordance with Schedule 2(b) of this decision within 6 months of receipt of this decision.

Reason: In the interest public health and to prevent pollution.

5. (a) The site shall be landscaped with suitable indigenous trees, shrubs and hedges within the first growing season following receipt of this decision.
(b) All new site boundaries shall be provided with thick native hedges. These hedgerows shall include such native species as holly, whitethorn and furze.
(c) Existing hedges/ditches shall be suitably strengthened with native hedge species indigenous to the area.
(d) Any trees or shrubs, which die or become diseased, shall be replaced with similar native species.
- Native Evergreens (Holly, Yew, Scots Pine).
 - Native Deciduous (Oak, Elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan).

Exotic species such as Cypress, Escallonia, Griselinia, Leylandii, Rhododendron and Laurel, shall not be used.

Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area.

SCHEDULE 2 (b)

Planning Permission to (c) construct an extension to the existing toilets including alterations to the existing toilets (d) construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms (f) construct wastewater treatment tanks with Puraflo modules and polishing filter including decommissioning the existing septic tank. An NIS has been submitted in support of this application

6. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 22/04/2021 and revised on 07/10/2021, 14/12/2021 & 06/01/2022 except for the alterations and modifications specified in this decision.

Reason: To regulate and control the layout of the development.

SCHEDULE (Continued)

7. Prior to the commencement of development, the developer shall pay a contribution of €3070.80 to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development.

This contribution is broken down as follows:

Roads & Transport	-	€1586.58
Community & Amenity	-	€1484.22

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1st 2023 and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

8. (a) Proposed reception building shall be in accordance with the design drawing received on 22/04/2021.
(b) Roof shall be covered with slates or slate effect tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.
(c) All external finishes shall be neutral in colour, tone and texture.

Reason: To integrate the structure into the surrounding area.

9. The finished floor level of reception building shall be in accordance with detail received 22/04/2021.

Reason: To integrate the structure into the surrounding area.

10. The development shall be connected to the public water supply to the satisfaction of Irish Water. No development shall commence until such time as the developer has obtained and signed a Connection Agreement with Irish Water for the provision of water services necessary to enable the proposed development.
The developer shall adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health.

11. The development shall be provided with a packaged wastewater treatment unit ("Tricel Novo" or alternative equivalent packaged wastewater treatment unit as may be agreed with the Planning Authority), a packaged tertiary intermittent filter media system ("Puraflo" or alternative equivalent packaged tertiary intermittent filter media system as may be agreed with the Planning Authority) and a gravel distribution layer to serve the premises in accordance with the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*", as outlined in the plans and particulars received by way of further information by the Planning Authority on the 22nd April 2021 and by way of further information received on the 14th

SCHEDULE (Continued)

December 2021.

The packaged wastewater treatment unit shall have a European Technical Approval Certificate and shall be compliant with the criteria in Irish National Annex Table NA1 and Table NA2.

The packaged wastewater treatment unit and packaged tertiary intermittent filter media system shall be installed, operated & maintained in accordance with the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*", and the manufacturer's instructions.

- a) Prior to the commencement of any works on-site, the developer shall confirm the final design Population Equivalent for the on-site wastewater treatment system and shall agree any amendments to the design for the proposed treatment system with the Planning Authority.
- b) The packaged wastewater treatment unit, packaged tertiary intermittent filter media system and gravel distribution layer shall be located and installed on site as per the design agreed with the Planning Authority.
- c) The packaged wastewater treatment unit and packaged tertiary intermittent filter media system shall comply with all separation distances listed in Table 6.1 of the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*", except as may be otherwise approved by the Planning Authority.
- d) The packaged wastewater treatment unit shall be certified as compliant with the relevant part(s) of EN12566.
- e) The pump-system serving the wastewater treatment system shall incorporate a twin-pump arrangement (duty and standby).
- f) The wastewater treatment system shall incorporate a suitable alarm system (both audible and visible) which shall activate in the event of any malfunction of the system, including any malfunction of the pump-system.
- g) Storm-water drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains should not be located within or around the gravel distribution layer.
- h) The growth of any type of tree or plant which develops an extensive root system should be limited to a minimum distance of 3m from the gravel distribution layer. This restriction also applies to the cultivation of crops necessitating the use of machinery, likely to disturb the gravel distribution layer.

Reason: In the interest public health and to prevent pollution.

12. Within four weeks of the completion of installation and subsequent commissioning of the proposed effluent treatment system the applicant/developer shall submit a certificate {this shall include relevant photographs and as-constructed records of the installation} from a suitably qualified person, the holder of up-to-date professional indemnity insurance, stating that the packaged wastewater treatment unit, packaged tertiary intermittent filter media system, gravel distribution layer and all sundries have been installed in accordance with –
 - the terms of the planning permission;
 - the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*";
 - the manufacturer's instructions.

SCHEDULE (Continued)

A copy of the insurance certificate confirming that the qualified person referred to above held up-to-date professional indemnity insurance at the time of preparation of the installation certificate shall be submitted along with the certificate.

Reason: In the interest public health and to prevent pollution.

13. The applicant, and any subsequent owner(s) of the development, shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and packaged tertiary intermittent filter media system with the manufacturer or such suitably qualified person in perpetuity.

A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the commissioning of the system.

A maintenance contract for the effluent treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the completion of installation and subsequent commissioning of the proposed effluent treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation.

Reason: In the interest public health and to prevent pollution.

14. No access to the site shall be permitted from the Local Road to the west.

Reason: In the interest of orderly development.

15. Under no circumstances shall the applicant/developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

Reason: In order to protect public property.

16. (a) All the Recommendations in relation to sight lines included in 'Proposed Sightlines- Callout 2' on the drawing titled 'Planning Applications Drawings 2' shall be implemented. Also, the piers at the entrance/exit to the site shall be reduced to a height of no more one metre.
- (b) Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road
- (c) All works adjacent to or on the public road shall require a road opening licence approved by the Road and Transportation Department. The approval of this licence will be subject to the Applicant / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The Applicant / contractor shall produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.
- (d) During the construction phase the applicant shall institute appropriate measures to prevent earth, soil or other material from this site being drawn onto or deposited onto the public road.
- (e) All vehicles associated with the construction of the project shall be parked within the site.

Reason: To avoid a traffic hazard and protect public property.

SCHEDULE (Continued)

17. Any external lighting shall be properly cowled and directed away from the public roadway, and shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interests of traffic safety and to control light pollution in the rural environment.

18. The campsite and reception building shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

Reason: To regulate and control the density of development on this site in the interest of orderly development.

19. The reception building shall be used for the uses indicated on floor plans submitted for this building and no change of use shall take place without the prior approval of the planning Authority.

Reason: To regulate the use of the site.

20. All mitigation measures included in the Natura Impact Statement received on 14/12/2021 shall be implemented in full.

Reason: In the interests of biodiversity



Appendix B – Record of Kerry County Council Warning Letters and Enforcement Notices

**An Rannóg Forfheidhmithe,
An Roinn Pleanála**

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL**

**Enforcement Unit,
Planning Department**

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email enforcement@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Our Ref: 7861

8th May 2019

**Mahmood Hussain,
Ardroe,
Inch,
Annascaul,
Co. Kerry**

Planning and Development Act 2000 to 2018

A Chara,

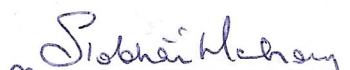
It has come to the attention of this Planning Authority that a new shower block has been constructed at **Sammy's Camp Site, Inch Beach, Annascaul, Tralee, Co. Kerry**. There is no record of planning permission for this development. Consequently this development would be considered to be unauthorised. While this building may have replaced an older structure on the site, this would not obviate it from requiring planning permission.

In this regard, I enclose herewith a Warning Letter under Section 152 of the Planning & Development Act 2000 to 2018. You may make submissions or observations in writing to the Planning Authority regarding same not later than the **5th June 2019**.

The Planning Authority wishes to inform you that in the event of unauthorised development taking place, an Enforcement Notice may be served on you under Section 154 of the Planning & Development Act 2000 to 2017. You should note that you are liable for all costs and expenses incurred by Kerry County Council in relation to this matter.

I trust your co-operation will be forthcoming in this matter.

Mise le meas,



S.O. Enforcement Unit

Planning and Sustainable Development – 066 172 3774



Comhairle Contae Chiarraí,
Roinn Pleanála

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ
WARNING LETTER
KERRY COUNTY COUNCIL

Enforcement Unit,
Planning Department

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

This Warning Letter is issued under Section 152 of the Planning and Development Act 2000-2018, in relation to the unauthorised development of land.
Guthán | Tel 066 7183774 | Fax 066 7129328 | Email enforcement@kerrycoco.ie | Suíomh Web www.kerrycoco.ie

**NAME and ADDRESS: Mahmood Hussain, Ardroe, Inch, Annascaul,
Co. Kerry**

Our Ref: 7861

It has come to the attention of Kerry County Council that an unauthorised development as described in the schedule hereunder may have been, is being or may be carried out on lands described in the schedule hereunder. You may make submissions or observations to Kerry County Council regarding the purported offence by **5th June 2019**.

When Kerry County Council considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued under Section 154 of the Planning and Development Act 2000-2018. Officials of Kerry County Council may at all reasonable times enter on the land for the purposes of carrying out an inspection in relation to the purported unauthorised development.

A person who is guilty of an offence in relation to an unauthorised development under the provisions of the Planning and Development Act 2000, as amended, shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,380 or to imprisonment for a term not exceeding 2 years or both.
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding six months or both.

In addition, any costs reasonably incurred by Kerry County Council in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. These costs can relate to remuneration and expenses of employees carrying out inspections and may be substantial.

SCHEDULE

Description of land and nature of works to which this Notice refers.

Lands at **Sammy's Camp Site, Inch Beach, Annascaul, Tralee, Co. Kerry** namely **the construction of toilet and shower facilities.**

Signature

Sibéal Mahony
S.O. Enforcement Unit

Planning and Sustainable Development – 066 718 3774

Date 8th May 2019.





COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Our Ref:7861

10th August 2020

**Mahmood and George Hussain,
Inch,
Annascaul,
Co Kerry**

Dear Sirs,

We have an open enforcement case on your property at Sammy's Camp Site, Inch, Annascaul, Co Kerry

Enforcement proceedings were deferred to allow for a decision to issue on retention permission PRN 19/1026. It is now noted that the application was deemed withdrawn as the requested further information was not submitted in the prescribed timeframe.

You are requested to inform this office of how you intend to regularise the issues on site and provide a fixed timeframe for same. This information is required by no later than **19th August 2020.**

Yours Faithfully,

**S.O. Enforcement Unit
Planning and Sustainable Development**





Our Ref: 7861

Date: 29/03/2021

**Mahmood Hussain
Ardroe,
Inch,
Annascaul,
Co Kerry**

Planning and Development Acts 2000 to 2020.

A Chara,

I refer to previous correspondence with you in relation to the unauthorised erection of toilet facilities adjacent to Inch Strand and the construction of a caravan park.

As works and development have been carried out, the development is not exempted and therefore requires planning permission.

Therefore, I enclose herewith an **Enforcement Notice**, requiring you to **cease works immediately**.

The Planning Authority wishes to inform you that in the event of the Enforcement Notice not being complied with, your file shall be forwarded to the Law Department to Institute Legal Proceedings against you, without any further notice or correspondence. You should note that you are liable for all costs and expenses incurred by Kerry County Council in relation to this matter.

Furthermore, you have incurred an Enforcement Fine of €250 being the costs incurred to date by Kerry County Council in dealing with this matter. The aforementioned fine is payable not later than 4 weeks from the date of this letter.

I trust your co-operation will be forthcoming in this matter.

Mise le meas

S.O. Enforcement Unit

Planning and Sustainable Development (066)718 3774



KERRY COUNTY COUNCIL
SECTION 154(5) PLANNING AND DEVELOPMENT ACTS 2000 to 2020.
ENFORCEMENT NOTICE

To: Mahmood Hussain, Ardroe, Inch, Annascaul, Co. Kerry

Ref: 7861

WHEREAS Kerry County Council (hereinafter called "the Council") is the Planning Authority for the County of Kerry in which are situate lands in the Townland of Ardroe, in the Electoral Division of Corca Dhuibhe, County Kerry.

AND WHEREAS the following development has been carried out at the said lands namely:

- **The unauthorised erection of toilet facilities adjacent to Inch Strand and the construction of a caravan park. The construction of facilities for a caravan park.**

AND WHEREAS the said development is not exempted and no permission for the said development has been applied for or granted by the Council in respect of the said development, the Council in exercise of the powers conferred on it by Section 154/155 of the Planning and Development Act 2000 requires that the development cease.

Further you are required to carry out the following steps:

- **Cease works immediately**

AND TAKE NOTICE THAT if within the period specified above, or within such extended period (not being more than 6 months) as the Council may allow, the steps specified in this Notice to be taken by you have not been taken, the Council may enter on the lands and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf. If by the period specified above the steps specified in this Notice have not been undertaken, you may be guilty of an offence.

A person who is guilty of an offence in relation to an unauthorised development under the provision of the Planning and Development Act 2000 (as amended) shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,381, or to imprisonment for a term not exceeding 2 years, or to both, or
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding 6 months, or to both.

In addition you are required in accordance with section 154(5)(d) of the Planning and Development Act 2000 (as amended) to refund to the Council, the sum of EUR **250.00** being the costs and expenses reasonably incurred by the Council in relation to the investigation, detection and issue of the Enforcement Notice.

Dated: **29/03/2021**

Signed: _____
S.O. Enforcement Unit
Enforcement Unit
Planning & Sustainable Development



PLANNING AND DEVELOPMENT ACTS 2000 – 2020
NOTIFICATION OF DECISION TO GRANT RETENTION PERMISSION/PERMISSION/REFUSE
PERMISSION
(SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE ACT
KERRY COUNTY COUNCIL

Ref. No. in
Planning Register: 21/438

<u>Agent:</u> Sean Moriarty, An Nead, Ardrinane, Annascaul, Tralee, Co. Kerry V92 E272	<u>Applicant:</u> Mark, George & Zara Hussain, Inch, Annascaul, Co. Kerry
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Documents Recd.: 22/04/2021, 07/10/2021, 14/12/2021 & 06/01/2022

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated **2nd March, 2022** decided

To **GRANT Retention Permission\Permission** for the development of land namely:-

for Retention Permission to (a) retain the existing short term stay camping site within revised site boundaries (b) retain the alteration and renovation works to the existing toilets and site as constructed and Planning Permission to (c) construct an extension to the existing toilets including alterations to the existing toilets (d) construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms (f) construct wastewater treatment tanks with Puraflo modules and polishing filter including decommissioning the existing septic tank. An NIS has been submitted in support of this application at Inch, Annascaul, Co. Kerry as outlined in plans and particulars received on 22/04/2021 and further information received on 07/10/2021, 14/12/2021 & 06/01/2022
for the reason set out in the Schedule 1(b) and subject to the conditions set out in Schedule 2(a) and Schedule 2(b) hereto: (Nineteen Conditions)

REFUSE Permission for the development of land namely:-

to refuse Permission to (e) extend the camp site with access to same including all necessary landscaping and site works at Inch, Annascaul, Co. Kerry as outlined in plans and particulars received on 22/04/2021 and further information received on 07/10/2021, 14/12/2021 & 06/01/2022
for the reason set out in Schedule 1(a) hereto (One Reason)

If there is no appeal against the said decision, a grant of Retention Permission\Permission in accordance with the decision will be issued as soon as possible after the expiration of the period of four weeks (see footnote).

It should be noted that until a **Grant of Retention Permission\Permission** has been issued the development in question is **NOT AUTHORISED**.

SCHEDULE CONTINUED OVERLEAF

NOTE: An Appeal against a decision of a Planning Authority under Section 34 or Section 35 of the Act of 2000 may be made to An Bord Pleanala within *four weeks* beginning on the date of the making of the decision by the Planning Authority. *An Appeal to An Bord Pleanala will be invalid unless it is accompanied by the appropriate fee. (Please refer to the attached guide for fees payable to An Bord Pleanala).* Appeals should be addressed to: *An Bord Pleanala, 64 Marlborough Street, Dublin 1.* An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or structure proposed to be retained and the date of the decision of the Planning Authority should be stated. The acknowledgement of receipt of a valid submission/objection as issued by the Planning Authority should also be submitted with the appeal.

KERRY COUNTY COUNCIL
SECTION 154/155 PLANNING and DEVELOPMENT ACT 2000 (as amended).
ENFORCEMENT NOTICE

To: Mahmood Hussain, Ballyorkane, Castlemaine, Co. Kerry
Ref: 9532

WHEREAS Kerry County Council (hereinafter called "the Council") is the Planning Authority for the County of Kerry in which are situate lands in the Townland of Inch, in the Electoral Division of Inch, County Kerry (Inch, Annascaul, Co. Kerry)

AND WHEREAS the following development has been carried out at the said lands namely:

The placing of a van on lands for the sale of goods

AND WHEREAS the said development is not exempted and no permission for the said development has been applied for or granted by the Council in respect of the said development, the Council in exercise of the powers conferred on it by Section 154(5) of the Planning and Development Act 2000 (as amended) requires that the development cease.

Further you are required within **2 weeks** of the date of the service of this Notice to carryout the following steps:

- (a) remove the food truck from the site

ND TAKE NOTICE THAT if within the period specified above, or within such extended period (not being more than 6 months) as the Council may allow, the steps specified in this Notice to be taken by you have not been taken, the Council may enter on the lands and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf. If by the period specified above the steps specified in this Notice have not been undertaken you may be guilty of an offence.

A person who is guilty of an offence in relation to an unauthorised development under the provision of the Planning and Development Act 2000 (as amended) shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,381, or to imprisonment for a term not exceeding 2 years, or to both, or
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding 6 months, or to both.

In addition you are required in accordance with section 154/155 of the Planning and Development Act 2000 (as amended) to refund to the Council, the sum of EUR **300.00** being the costs and expenses reasonably incurred by the Council in relation to the investigation, detection and issue of the Enforcement Notice.

Dated this **10th October 2023**

Signed: 
S.O. Enforcement Unit
Enforcement Unit
Planning & Sustainable Development

**An Rannóg Forfheidhmithe,
An Roinn Pleanála**

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL**

**Enforcement Unit,
Planning Department**

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email enforcement@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Our Ref: 7861

Date: 23/02/2024

**Mahmood Hussain
Ardroe,
Inch,
Annascaul,
Co Kerry**

Planning and Development Acts 2000 (as amended)

A Chara,

I refer to previous correspondence with you regarding the above enforcement file.

The Enforcement Officer has reviewed the file and wishes you to note the decision of An Bord Pleanála to refuse permission for the development.

He requests you to submit proposals to regularize the matter by **8/03/2024**

Mise le meas

sp M^{rs} Sullivan

S.O. Enforcement Unit

Planning and Sustainable Development (066)718 3774





Mahmood Hussain,
Ardroe, Inch,
Annascaul, Co. Kerry.

Enf. No. 7861

Re. **The unauthorised renovation of toilet facilities and the construction of a caravan park and the construction of facilities for a Caravan Park at Inch**

Date 09/05/2024

Dear Mr Hussain,

I refer to previous correspondence in relation to unauthorised development on lands at Ardroe, Inch, Annascaul, Co. Kerry. We note your reply dated 20/03/2024. No further progress has been made to regularise matters despite a **refusal for this development by An Bord Pleanála on 19/02/2024.**

Our Enforcement Officer has now recommended that the matter be referred to the County Solicitors Department to prepare proceedings under S160 of the Planning and Development Act 2000 (as amended) in respect of development, namely the **unauthorised renovation of toilet facilities and the construction of a caravan park and the construction of facilities for a Caravan Park at Inch**, requiring the following:

- (A) Remove the Hardstand from the site. Topsoil the disturbed area, seed and grass.
- (B) Remove the entrance barrier.
- (C) Remove all internal fittings from the renovated shower/toilet block.
- (D) Remove the structure to the rear of the shower/toilet block.
- (E) Remove the electrical fittings and meter box.
- (F) Remove the wooden fencing from the site.

Yours faithfully,

Helen Burke S.O Enforcement Unit
Planning and Sustainable Development,
Kerry County Council
enforcement@kerrycoco.ie

CC- Moriarty Design & Construction, Sean Moriarty, An Nead, Ardrinane, Annascaul,
& by email to moriartydesign.sean@hotmail.com



**An Rannóg Forfheidhmithe,
An Roinn Pleanála**

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL**

**Enforcement Unit,
Planning Department**

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email enforcement@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

**Mr. Mahmood Hussain,
Inch, Annascaul
Co Kerry**

Enf. No: 9532
Re: The placement of a van on lands at Inch, Annascaul for the sale of goods.
Date 09/05/2024

A Chara,

I refer to previous correspondence in relation to the above unauthorised Development on lands at Inch, Annascaul, Co. Kerry.

Our Enforcement Officer has noted that the unauthorised food truck remains in place despite having served an Enforcement Notice and having made further requests to you to remove same.

The Enforcement Officer has now recommended that the matter be referred to the County Solicitors Department to prepare proceedings under S160 of the Planning and Development Act 2000 (as amended) in respect of the unauthorised development, **requiring the unauthorised development to cease and further requiring the removal of the food truck from the site.**

Yours faithfully,

Helen Burke S.O Enforcement Unit
Planning and Sustainable Development,
Kerry County Council

enforcement@kerrycoco.ie

and by email to Mahmood Hussain at info@inchbeach.com





COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Mahmood Hussain,
Ardroe, Inch,
Annascaul, Co. Kerry.

Enf. No. 7861

Re. Unauthorised Development at at Inch, Co Kerry.

Date 27/05/2024

Dear Mr Hussain,

Further to my letter dated 08/05/2024, I am now writing to advise you that the terms of the S160 injunction proceedings being prepared for the Circuit Court, in respect of unauthorised development at Ardroe, Inch, Co Kerry **has been expanded**.

Our proceedings are now being prepared requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- (a) Remove the hardstand from the site. Topsoil the disturbed area, seed and grass.
- (b) Remove the entrance barrier.
- (c) Remove the unauthorized shower/ toilet block.
- (d) Remove the structures to the rear of the shower/toilet block.
- (e) Remove the electrical fittings and meter box.
- (f) Remove the wooden fencing from the site.

Yours faithfully,

Helen Burke S.O Enforcement Unit
Planning and Sustainable Development,
Kerry County Council
enforcement@kerrycoco.ie

CC- Moriarty Design & Construction, Sean Moriarty, An Nead, Ardrinane, Annascaul,
& by email to moriartydesign.sean@hotmail.com



Roinn Dhlíodóir an Chontae

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí,
V92 H7VT.



**COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL**

County Solicitor's Dept.

Kerry County Council,
County Buildings,
Tralee, Co. Kerry,
V92 H7VT.

Guthán | Tel 066 7183506 DX 41002 Tralee Rphost | Email solicitor@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

My Ref: ID/SC/PLA/1062

10th July 2024

Mahmood Hussain
Ardroe
Inch Beach
Tralee
Co. Kerry

REGISTERED POST

**Kerry County Council -v- A.V.A. International Limited,
Mahmood Hussain, Iris Hussain, George Hussain, Zarah Hussain and Mark
Hussain
Unauthorised development at Ardroe, Inch, Co. Kerry**

Dear Sir,

I act for the Planning Authority Kerry County Council and have been instructed in relation to unauthorised development at Ardroe, Inch, County Kerry.

I am instructed that you and the above named, or one or other of you have carried out development works and/or are carrying out development at Ardroe, Inch, Co. Kerry without the benefit of planning permission. I am instructed that this involves and/or has involved the demolition and construction and/or renovation and extension of a toilet/shower building, the construction of hardstands for a caravan park and/or the extension of the caravan park and/or facilities at the said caravan park, known as "*Inch Beach Motorhome and Campsite*," and/or the operation of the business of a food truck/fastfood takeaway, known as "*Kitty's Food Truck*."

I understand that you are a shareholder of A.V.A. International Limited, the company which owns the lands on which the said motorhome and campsite operates. I further understand that the tradename 'Kittys Food Truck' has been registered to the company. I understand that you are the registered owner of the lands from which the food truck operates.

Please note that unless you comply with the following forthwith, legal proceedings under section 160 of the Planning and Development Act, 2000 as amended will be initiated against you and the above named without further notice.

- Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Top soil the disturbed area, seed and grass.
- Remove the entrance barrier to the said caravan park.



GAEILGE AGUS FÁILTE

- Remove the unauthorised shower/ toilet building at the said caravan park.
- Remove the structures to the rear of the said shower/toilet building.
- Remove the electrical fittings and meter box at the said caravan park.
- Remove the wooden fencing from the said caravan park.
- Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.

I have also been instructed to recover the costs of all proceedings in the Courts from you.

You should bring this correspondence to the attention of your legal advisers.

Yours faithfully,



Irene Daly
Acting Senior Executive Solicitor
Co. Solicitor's Department
Kerry County Council



Appendix C – Archaeological Assessment prepared by Laurence Dunne Archaeology and submitted with KCC Reg. Ref. 21/438

Interim Archaeological Test Excavation Report,
Ardroe- Inch,
Dingle Peninsula,
Co. Kerry.

17-12- 2020

Report prepared on behalf of

Acting for

Sean Moriarty Design

Mahmud and George Hussain,

Ardroe,

Inch,

Co. Kerry

Archaeological Licence No. 20E0682

Licensee: Laurence Dunne

Report written and researched by Laurence Dunne MIAI



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Tralee, Co. Kerry.
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1 Introduction

This test excavation report was undertaken as an element of a planning application to construct a caravan and camping facility at Ardroe / Inch, Co. Kerry by Mahmud and George Hussain, Ardroe Inch (Figures 1-3). The proposed pre-planning testing was requested by Kerry County Council (KCC) archaeologist Dr. Michael Connolly following discussions with this author.

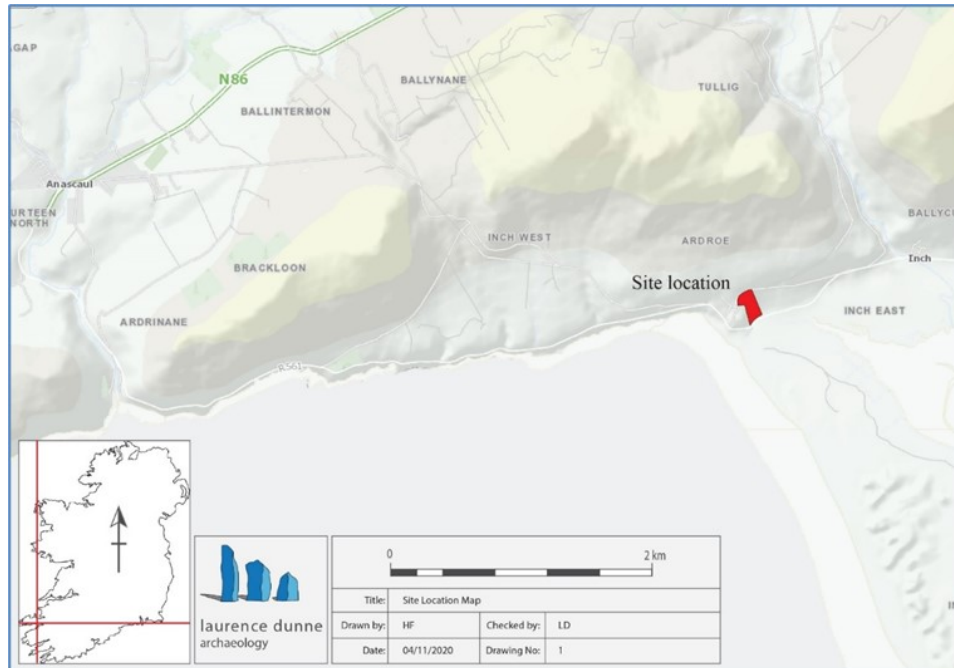


Figure 1: Site Location Map

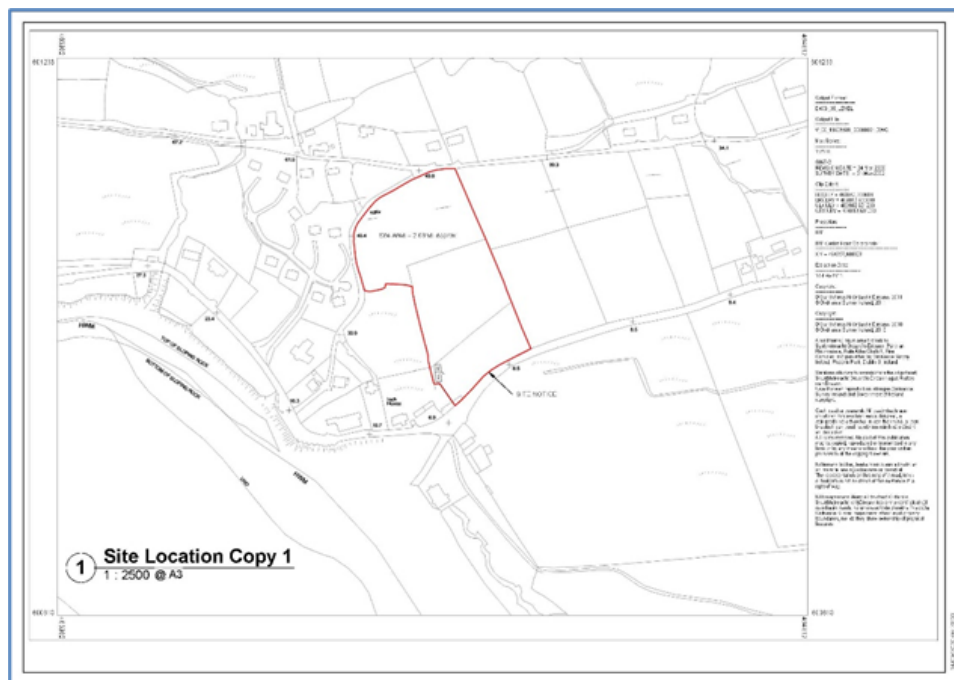


Figure 2: Site location map. Extract from rural place map, 1:2500.

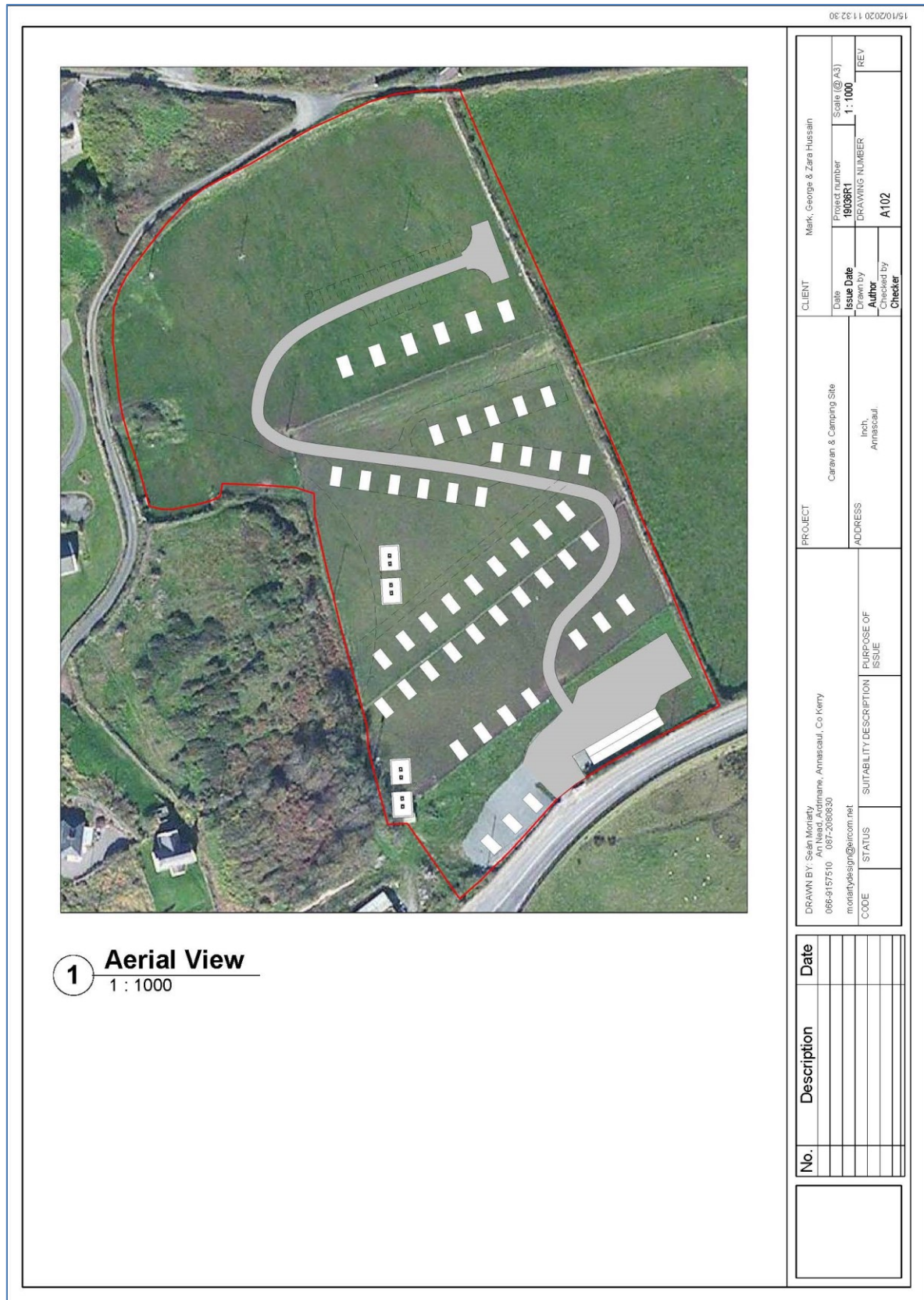


Figure 3: Proposed caravan and camping park (courtesy Sean Moriarty Design).

2 Site Location and Description

The proposed caravan and camping site comprises of steeply sloping land that forms the terminal slopes of Brickany Mountain on the southern side of the Dingle Peninsula. The steeply sloping site is demarcated on its NW and N limits by a bohereen. The PDS straddles two townlands Ardore - *Ard Rua* - the Red Height and Inch, *Inse* - promontory (in this case an isthmus or sand spit) extending for 1000 acres south into Dingle Bay. Indeed, the only land or hard ground at Inch, comprising c.3.6 acres, is situated within the PDS. There is a very large midden situated on the eastern side of Inch at Gubranna, KE055-001 (Barrington 1976, 239; Cuppage 1986, 15-16).

3 Archaeological Context

The zone of notification (ZON) of a recorded ringfort, KE045-087, partially extends within the western limits of the proposed development site (PDS), (**Figure 4**). According to the National Monuments Service (NMS) online Sites and Monuments Records, *'this circular univallate rath is situated on the level summit of a local rise at the foot of Brickany mountain overlooking Dingle Bay. The earthen enclosing bank is overgrown with gorse and briars and is no more than .3 to .4m high internally and .8m high externally. Due to the poor and overgrown condition of the remains, it was not possible to identify an entrance'* (Cuppage 1986, 109; www.archaeology.ie). The ringfort is denoted as a circular fort on the 1st Ed. OS map but not on any subsequent editions (**Figure 4**). This ringfort is the only recorded monument in Ardroe townland. A second ringfort, KE045-088, is situated c.640m to the ENE in the townland of Inch East. (ibid 157).

In an ecclesiastical context, the relict remains of the medieval church and graveyard is situated 1.0km to the east in the townland of Inch East, (KE045-089001 & - 002). The church is recorded as Teampall Inse or the *'Eccia de Inse'* in the Papal Taxation List of 1302-1307 for the diocese of Ardfert. However, the reference may refer to a foundation on the Great Blasket Island. Another possibility is that the church referred to as *'Baliederscolle'* in the taxation list may be that at Inch (Cuppage 1986, 367-8).

In a wider cultural context, the pre-famine 1841 OSi 6" map denotes a village cluster withing and straddling the NW limits of the PDS that is served by the bohereen mentioned above (**Figure 4**). There are no above ground remains of this settlement cluster today and the area of it that once extended into the PDS has been impacted by groundworks in the past that somewhat constrained testing here (see testing constraints below).

Examination of the 1:2,500 OSi map of 1896/7 shows that the majority of the settlement at Ardroe had disappeared with the exception of possibly three dwellings. However, at the south-western limits of the PDS the late 19th century map denotes Inch House and Inch Cottage of which little or nothing survives today due to dereliction and road widening (Bary 1994, 141).



Figure 4: Extract from the 1st Ed. OSI 6'' map of 1841, sheet 045.

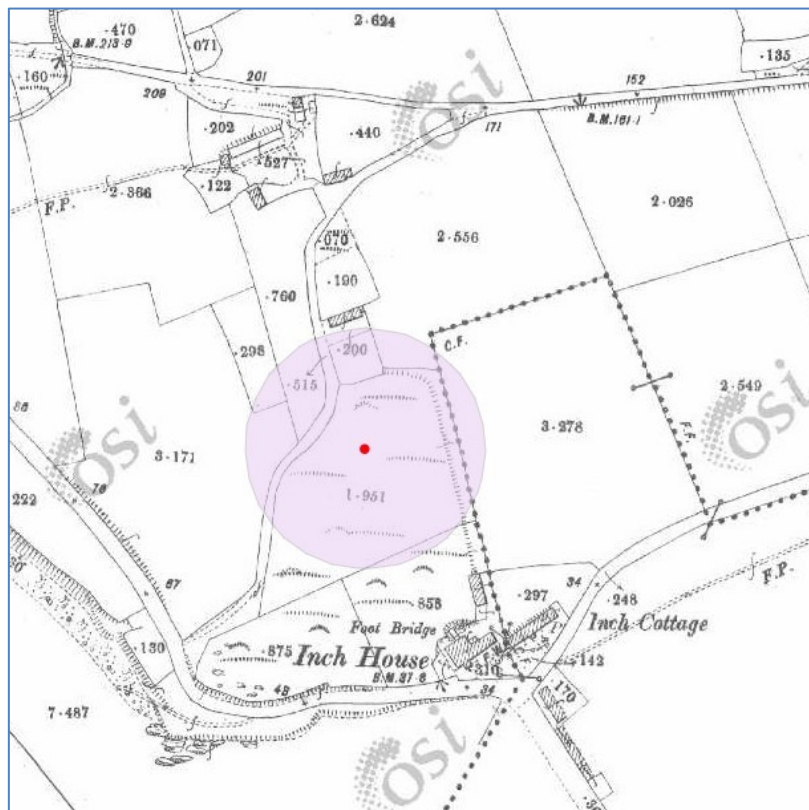


Figure 5: Extract from 1:2,500 OSI map 1896/7.

4 Results of Licensed Testing

4.1 General

A total of 25 test trenches T1-T26, extending for c.1500m, were opened across the totality of the PDS with a 16ton machine using 1.8m wide grading bucket (**Plate 1, Figure 6**). The trenches were setout using a global navigation satellite system (GNSS).

Topsoil cover varied in depth from a maximum of 0.50m on the plateau area in the NW to a more general 0.30 – 0.40m depth on the slopes. Topsoil overlay frequent broken green and pink coloured sandstones with the occasional small boulder.



Plate 1: Oblique low flown aerial view from south east of the completed test excavation trenches at Ardroe / Inch. The ringfort KE045-087 is captured within the overgrown neighbouring field beyond.

4.2 Constraints

- Testing was locally constrained at the NW and N limits by a myriad of overhead power lines which necessitated minor adjustments to the test trenches in that they were foreshortened or separated into two parts for H & S considerations (**Plate 2**).
- Two impacted areas in the NW, corresponding to previous ground works in the past were also avoided.
- The rapid ingress of water due to poor weather and highwater table, impacted to various degrees on individual cuttings.
- Test trenches T26 & T27 were not proceeded with for H & S considerations due to a network of underground electrical cables.



Figure 6: Test excavations layout plan.

Table 1: Excavated test trenches.

Trench No.	Orientation	Length	Depth	Width
1	NW-SE	14m	0.25-0.50m	1.8m
2	NW-SE	39m	0.40m	1.8m
3	NW-SE	60m	0.40-0.60m	1.8m
4	NW-SE	75m	0.40m	1.8m
5	NW-SE	27m	0.40m	1.8m
6	NW-SE	33m	0.40-0.60m	1.8m
7	NW-SE	66m	0.30-0.50m	1.8m
8	NW-SE	66m	0.30-0.50m	1.8m
9	NW-SE	66m	0.50m	1.8m
10	NW-SE	66m	0.30-0.50m	1.8m
11	NW-SE	20m + 40m	0.30m-0.60m	1.8m
12	NW-SE	70m	0.50m	1.8m
13	NW-SE	70m	0.50m	1.8m
14	NW-SE	20m + 21m	0.30-0.40m	1.8m
15	NW-SE	75m	0.30-0.40m	1.8m
16	NW-SE	51m	0.30-0.40m	1.8m
17	NW-SE	62m	0.30-0.40m	1.8m
18	NW-SE	63m	0.30-0.40m	1.8m
19	NW-SE	60m	0.40m	1.8m
20	NW-SE	56m	0.30-0.40m	1.8m
21	NW-SE	52m	0.30-0.40m	1.8m
22	NW-SE	49m	0.30-0.40m	1.8m
23	NE-SW	86m	0.30-0.40m	1.8m
24	NE-SW	86m	0.30-0.40m	1.8m
25	NE-SW	86m	0.30-0.40m	1.8m



Plate 2: View from north. Excavation of T2 underway. Note myriad overhead power lines.

4.3 Test Trenches T1-T13

Thirteen NW-SE orientated test trenches were opened at the northern top part of the PDS at a large and well-kept green field. Zone of Notification (ZON) of Ringfort KE-045-087 partially overlaps SW corner of the field (**Figure 6**). Few of the proposed trenches (T5, T6, T11) had to be adjusted due to existing power lines. Topsoil consisted of dark to mid greyish brown soft material with frequent stone inclusion. It overlay very mixed sandy subsoil varied from grey to bright orange in colour with large amount of green and pink sandstone. Noting of archaeological interest was noted in trenches T1-T13.



Plate 3: View from north of commencement of test trench T1. Note general context location of nearby ringfort KE045-087 in neighbouring field.



Plate 4: Test trench T2 from SE.



Plate 5: Test trench T8 from NW.

4.4 Trenches T14 – T22

Nine NW-SE orientated test trenches were opened at the green field steeply sloping southwards. ZON of Ringfort KE-045-087 is slightly clipping western limits of the field (**Figure 6**). Topsoil was same as at the upper/northern part of the PDS only less stony. Subsoil comprised of greyish orange to orange silty sand with some stone inclusions. Nothing of archaeological interest was noted in trenches T14-T22.



Plate 6: Test trench T14 abutting ZON of KE-045-087 (from SE).



Plate 7: Test trench T17 from SE.



Plate 8: Test trench T22 from SE

4.5 Trenches T23 -T25

Three long NE-SW orientated test trenches T23-T25 were excavated at the southern limits of the PDS and at its lowest part (**Figure 6**). Mid brown topsoil was less stony and overlaid light grey to bright orange silty sand subsoil (**Plate 9**). Nothing of archaeological interest was noted in any of the three test trenches.



Plate 9: Test trench T24 from SW.

5 Conclusions

- The program of extensive licensed test excavations across the footprint of the entirety of the PDS revealed nothing of archaeological interest.
- Five of the test cuttings T1-T4 and the northern limits of T14 extended into or abutted the zone of notification (ZON) of the recorded ringfort KE045-087 situated immediately to the west in a nearby field (**Figure 7**). These also proved to be archaeologically negative.
- Ultimately, there are no archaeological reasons, that would prevent the construction of the proposed caravan and camping facility at Ardroe / Inch.

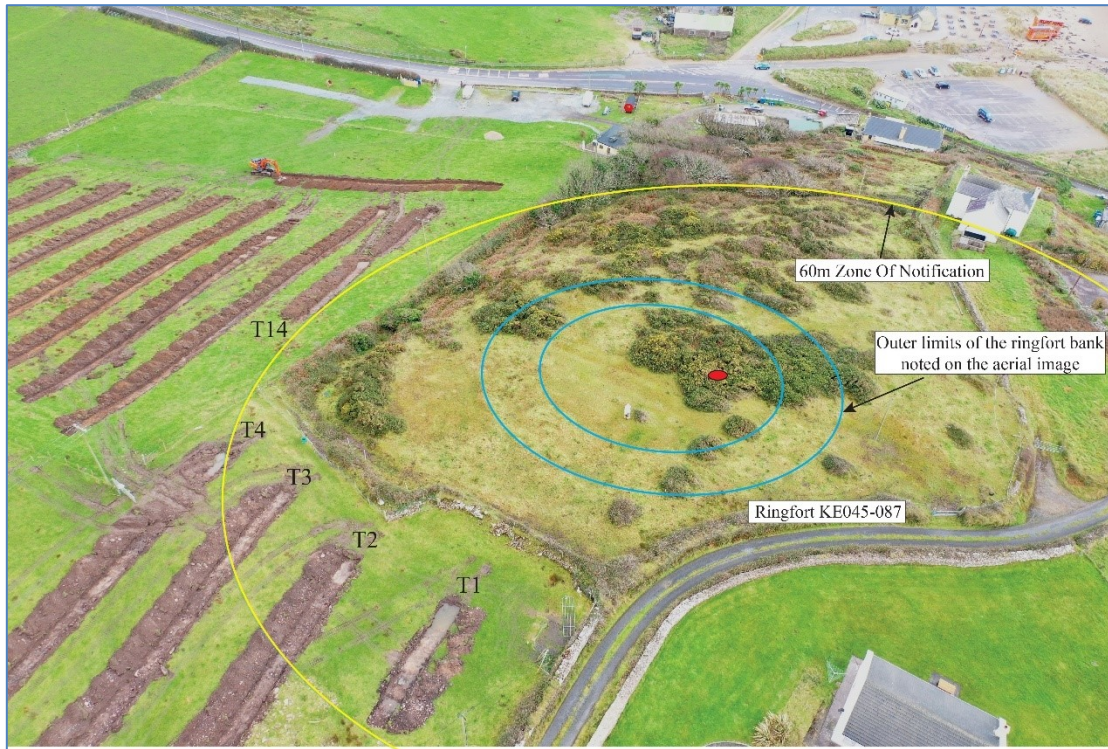


Figure 7: Aerial view of completed cuttings nearby Ringfort KE045-087 with ZON depicted.

6 References

Barrington, T.J. (1976). *Discovering Kerry*, Mount Salus Press, Dublin.

Bary, V. (1994). *Houses of Kerry*, Ballinacella Press, Co. Clare

Cuppage, J, *et al* (1986). *Archaeological Survey of the Dingle Peninsula*. Oidhreacht Chorca Dhuibhne, Ballyferriter, Co. Kerry.

Sites and Monuments Records online database of the National Monuments Service,
www.archaeology.ie